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B I L L S,

PUBLIC:

SEVEN VOLUMES.

— (5.) —

MANCHESTER POST OFFICE

TO

POLLUTION OF RIVERS.

Session

8 February—15 August 1876.

VOL. V.

1876.

B I L L S :

1876.

SEVEN VOLUMES:—CONTENTS OF THE FIFTH VOLUME.

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Manchester Post Office Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title.
 2. Incorporation of Lands Clauses Acts.
 3. Interpretation.
 4. Power to acquire lands.
 5. Correction of errors, &c.
 6. Power to Postmaster General to enter lands for the purpose of surveying.
 7. Diversion, &c. of streets and extinction of rights of laying pipes and other easements.
 8. Power to pull down buildings on land purchased, and build others.
 9. As to claims for compensation by tenants from year to year.
 10. Sale of lands in consideration of rentcharge.
 11. Authentication of notices.
 12. Orders concerning money.
 13. Time for compulsory purchase.
 14. Sanction of Treasury required to purchase under this Act.
 15. Exemption of deeds from stamp duty.
-

A

B I L L

TO

Enable Her Majesty's Postmaster General to acquire a site A.D. 1876.
for the extension of the Manchester General Post Office.

WHEREAS the General Post Office in Manchester affords inadequate accommodation for the purposes of the public service, and it is expedient that additional buildings be erected for such purposes on land situate in Manchester, to be acquired appropriated and dealt with by Her Majesty's Postmaster General (in this Act called the Postmaster General) in manner in this Act mentioned; but the objects aforesaid cannot be attained without the authority of Parliament:

And whereas maps or plans showing the lands to be acquired by the Postmaster General under the authority of this Act, with a book of reference containing the names of the owners or reputed owners lessees or reputed lessees and occupiers of the lands which may be taken compulsorily under this Act, and describing those lands, have been deposited with the clerk of the peace for the county palatine of Lancaster, and the same are in this Act referred to as the deposited plans and book of reference:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as The Manchester Post Office Act, Short title.
1876.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 Incorporation of Lands Clauses Acts.
(in this Act called the Lands Clauses Acts), are, with the exception of the provisions of the Lands Clauses Consolidation Act, 1845, for affording access to the special Act, incorporated with and form part of this Act, subject to the following provisions; (namely,)—

[Bill 72.] A 2

A.D. 1876.

(1.) In the construction of this Act and the Lands Clauses Acts this Act shall be deemed to be the special Act, and the Postmaster General shall be deemed to be the promoter of the undertaking :

(2.) The bond required by section eighty-five of The Lands Clauses Consolidation Act, 1845, shall be under the corporate seal of the Postmaster General, and shall be sufficient without the addition of the sureties in the said section mentioned.

Interpretation.

3. In this Act—

“The Treasury” means the Commissioners of Her Majesty’s Treasury :

“Person” includes a body of persons corporate or unincorporate.

Power to acquire lands.

4. *Subject to the provisions of this Act, it shall be lawful for the Postmaster General, out of any moneys which have been or may from time to time be appropriated by Parliament and put at his disposal for that purpose, to purchase and acquire, for the purposes of this Act, all or any of the lands shown and described on the deposited plans and book of reference.*

Any lands acquired by the Postmaster General under the authority of this Act shall be vested in and held by him in his corporate capacity on trust for Her Majesty her heirs and successors.

Correction of errors, &c.

5. If any omission mis-statement or erroneous description is found to have been made of any lands, or of any owners, lessees, or occupiers of any lands shown or described, or intended to be shown or described on the deposited plans or book of reference, the Postmaster General may apply to two justices for the correction thereof, after giving ten days notice to the owners, lessees, or occupiers of the lands affected by the proposed correction ; and if it appears to the justices that such omission mis-statement or erroneous description arose from mistake, they shall so certify stating the particulars thereof, and their certificate shall be deposited as if the same had originally formed part of the deposited plans or book of reference (as the case may be,) and shall be kept therewith and shall be deemed to be part thereof; and thereupon the deposited plans or book of reference (as the case requires,) shall be deemed to be corrected according to the certificate ; and the Postmaster General may enter on, purchase take hold and use the lands to which the certificate relates accordingly.

Power to Postmaster General to

6. It shall be lawful for the Postmaster General, and for his surveyors officers and workmen, at all reasonable times in the day-time, to enter into and upon any of the lands shown and described

on the deposited plans and book of reference, for the purpose of surveying or valuing such lands, on giving for the first time twenty-four hours, and afterwards, from time to time, twelve hours previous notice in writing to the owners or occupiers thereof.

A.D. 1876.

enter lands for the purpose of surveying.

- 5 7. From and after the time of the purchase of any lands under the authority of this Act, it shall be lawful for the Postmaster General to divert alter stop up and appropriate for purposes of this Act all streets roads ways paths passages and places situate within the boundaries of the lands so purchased; and the ground
10 and soil of all such streets roads ways paths passages and places, and the fee simple and inheritance thereof, shall be vested in the Postmaster General in his corporate capacity in trust for Her Majesty, her heirs and successors.

Diversion, &c. of streets and extinction of rights of laying pipes and other easements.

- Also on such purchase as aforesaid by the Postmaster General
15 of any lands under the authority of this Act, all rights of laying down or continuing any pipes sewers or drains, on through or under such lands or any part thereof, and all other rights or easements in or relating to such lands or any part thereof, shall be extinguished, and the property in such pipes sewers or drains, shall
20 be vested in the Postmaster General in such capacity and on such trusts as aforesaid; provided, that any person may recover from the Postmaster General such compensation (if any) as he may be entitled to under the provisions of the Lands Clauses Acts, for any private rights or private property of which he may
25 be deprived in pursuance of this section, the amount of such compensation to be determined in manner provided by the said Lands Clauses Acts.

8. It shall be lawful for the Postmaster General to pull down and remove all or any buildings erected on any lands purchased by
30 him under the authority of this Act, and to appropriate the lands so purchased as a site for the erection of buildings for the public service, and for the formation of convenient approaches to such buildings, and on the same lands to construct such buildings and works, and to form such approaches, and do all such other things
35 as in his opinion are necessary or expedient for the execution of any of the purposes of this Act.

Power to pull down buildings on land purchased, and build others.

9. Claims for compensation made on the Postmaster General under the provisions of this Act or any Act incorporated herewith shall, if the person claiming compensation has no greater interest
40 than as tenant for a year or from year to year in the lands in respect of which compensation is claimed, be determined in manner provided by section one hundred and twenty-one of "The Lands Clauses Consolidation Act, 1845."

As to claims for compensation by tenants from year to year.

- A.D. 1876. **10.** In the event of the Postmaster General selling or disposing of any superfluous lands acquired under this Act in pursuance of the Lands Clauses Consolidation Act, 1845, it shall be lawful for the Postmaster General to sell and convey the same in consideration of an annual rentcharge payable by the purchaser of such land, 5 and to recover such rentcharge in manner provided by the eleventh section of the Lands Clauses Consolidation Act, 1845, or in such other manner as may be agreed upon between the Postmaster General and the purchaser.
- Sale of lands in consideration of rentcharge.
- 11.** Every notice summons writ or other document required to be 10 given issued or signed by or on behalf of the Postmaster General under this Act may be given, issued, or signed by the solicitor or secretary of the General Post Office for the time being, and need not be under the corporate seal of the Postmaster General, and may be in writing or in print, or partly in writing and partly in print. 15
- Authentication of notices.
- 12.** All orders which the Chancery Division of Her Majesty's High Court of Justice is empowered to make on motion or petition in relation to any money paid into the Bank of England with the privity of the Paymaster General under this Act, or the securities in or upon which the same may be invested, or the dividends or 20 interest on such money and securities, may be made by any judge of the said division, upon application to him while sitting at chambers, upon summons, in like manner as in other cases in which proceedings may be so had; subject, nevertheless, to any general orders which may hereafter be made concerning the 25 practice proceedings or business of the said court on any such application.
- Orders concerning money.
- 13.** The limit of time for the compulsory purchase of lands under this Act shall be years.
- Time for compulsory purchase.
- 14.** No purchase shall be made by the Postmaster General under 30 the authority of this Act without the sanction of the Treasury, but such sanction may be given either generally or in respect of any particular purchase or purchases, and a vendor to or purchaser from the Postmaster General shall not be bound or entitled to inquire whether such sanction has been given. 35
- Sanction of Treasury required to purchase under this Act.
- 15.** No deed bond or other instrument executed for any of the purposes of this Act shall be subject or liable to any stamp duty imposed by any Act for the time being in force, unless such instruments are specifically charged therewith by any Act passed after 40 the passing of this Act.
- Exemption of deeds from stamp duty.

Manchester Post Office.

A

B I T L

To enable Her Majesty's Postmaster General to acquire a site for the extension of the Manchester General Post Office.

*(Prepared and brought in by
Mr. William Henry Smith and Lord John
Manners.)*

*Ordered, by The House of Commons, to be Printed,
15 February 1876.*

[Bill 72.]

Under 1 oz.

Manchester Post Office Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title.
 2. Incorporation of Lands Clauses Acts.
 3. Interpretation.
 4. Power to acquire lands.
 5. Correction of errors, &c.
 6. Power to Postmaster General to enter lands for the purpose of surveying.
 7. Diversion, &c. of streets and extinction of rights of laying pipes and other easements.
 8. Power to pull down buildings on land purchased, and build others.
 9. As to claims for compensation by tenants from year to year.
 10. Sale of lands in consideration of rentcharge.
 11. Authentication of notices.
 12. Orders concerning money.
 13. Time for compulsory purchase.
 14. Sanction of Treasury required to purchase under this Act.
 15. Exemption of deeds from stamp duty.
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A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Enable Her Majesty's Postmaster General to acquire a site A.D. 1876.
for the extension of the Manchester General Post Office.

WHEREAS the General Post Office in Manchester affords inadequate accommodation for the purposes of the public service, and it is expedient that additional buildings be erected for such purposes on land situate in Manchester, to be acquired appropriated and dealt with by Her Majesty's Postmaster General (in this Act called the Postmaster General) in manner in this Act mentioned; but the objects aforesaid cannot be attained without the authority of Parliament:

And whereas maps or plans showing the lands to be acquired by the Postmaster General under the authority of this Act, with a book of reference containing the names of the owners or reputed owners lessees or reputed lessees and occupiers of the lands which may be taken compulsorily under this Act, and describing those lands, have been deposited with the clerk of the peace for the county palatine of Lancaster, and the same are in this Act referred to as the deposited plans and book of reference:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as The Manchester Post Office Act, Short title.
1876.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 Incorporation of Lands Clauses Acts.
(in this Act called the Lands Clauses Acts), are, with the exception of the provisions of the Lands Clauses Consolidation Act, 1845, for affording access to the special Act, incorporated with and form part of this Act, subject to the following provisions; (namely,)—

[Bill 100.] A 2

A.D. 1876.

(1.) In the construction of this Act and the Lands Clauses Acts this Act shall be deemed to be the special Act, and the Postmaster General shall be deemed to be the promoter of the undertaking :

(2.) The bond required by section eighty-five of The Lands Clauses Consolidation Act, 1845, shall be under the corporate seal of the Postmaster General, and shall be sufficient without the addition of the sureties in the said section mentioned. 5

Interpretation.

3. In this Act— 10

“The Treasury” means the Commissioners of Her Majesty’s Treasury :

“Person” includes a body of persons corporate or unincorporate.

Power to acquire lands.

4. Subject to the provisions of this Act, it shall be lawful for the Postmaster General, out of any moneys which have been or may from time to time be appropriated by Parliament and put at his disposal for that purpose, to purchase and acquire, for the purposes of this Act, all or any of the lands shown and described on the deposited plans and book of reference. 15

Any lands acquired by the Postmaster General under the authority of this Act shall be vested in and held by him in his corporate capacity on trust for Her Majesty her heirs and successors. 20

Correction of errors, &c.

5. If any omission mis-statement or erroneous description is found to have been made of any lands, or of any owners, lessees, or occupiers of any lands shown or described, or intended to be shown or described on the deposited plans or book of reference, the Postmaster General may apply to two justices for the correction thereof, after giving ten days notice to the owners, lessees, or occupiers of the lands affected by the proposed correction ; and if it appears to the justices that such omission mis-statement or erroneous description arose from mistake, they shall so certify stating the particulars thereof, and their certificate shall be deposited as if the same had originally formed part of the deposited plans or book of reference (as the case may be,) and shall be kept therewith and shall be deemed to be part thereof ; and thereupon the deposited plans or book of reference (as the case requires,) shall be deemed to be corrected according to the certificate ; and the Postmaster General may enter on, purchase take hold and use the lands to which the certificate relates accordingly. 25 30 35

Power to Postmaster General to

6. It shall be lawful for the Postmaster General, and for his surveyors officers and workmen, at all reasonable times in the day-time, to enter into and upon any of the lands shown and described 40

on the deposited plans and book of reference, for the purpose of surveying or valuing such lands, on giving for the first time twenty-four hours, and afterwards, from time to time, twelve hours previous notice in writing to the owners or occupiers thereof.

A.D. 1876.

enter lands for the purpose of surveying.

- 5 7. From and after the time of the purchase of any lands under the authority of this Act, it shall be lawful for the Postmaster General to divert alter stop up and appropriate for purposes of this Act all streets roads ways paths passages and places situate within the boundaries of the lands so purchased; and the ground
10 and soil of all such streets roads ways paths passages and places, and the fee simple and inheritance thereof, shall be vested in the Postmaster General in his corporate capacity in trust for Her Majesty, her heirs and successors.

Diversion, &c. of street and extinction of rights of laying pipes and other easements.

- Also on such purchase as aforesaid by the Postmaster General
15 of any lands under the authority of this Act, all rights of laying down or continuing any pipes sewers or drains, on through or under such lands or any part thereof, and all other rights or easements in or relating to such lands or any part thereof, shall be extinguished, and the property in such pipes sewers or drains, shall
20 be vested in the Postmaster General in such capacity and on such trusts as aforesaid; provided, that any person may recover from the Postmaster General such compensation (if any) as he may be entitled to under the provisions of the Lands Clauses Acts, for any private rights or private property of which he may
25 be deprived in pursuance of this section, the amount of such compensation to be determined in manner provided by the said Lands Clauses Acts.

8. It shall be lawful for the Postmaster General to pull down and remove all or any buildings erected on any lands purchased by
30 him under the authority of this Act, and to appropriate the lands so purchased as a site for the erection of buildings for the public service, and for the formation of convenient approaches to such buildings, and on the same lands to construct such buildings and works, and to form such approaches, and do all such other things
35 as in his opinion are necessary or expedient for the execution of any of the purposes of this Act.

Power to pull down buildings on land purchased, and build others.

9. Claims for compensation made on the Postmaster General under the provisions of this Act or any Act incorporated herewith shall, if the person claiming compensation has no greater interest
40 than as tenant for a year or from year to year in the lands in respect of which compensation is claimed, be determined in manner provided by section one hundred and twenty-one of "The Lands Clauses Consolidation Act, 1845."

As to claims for compensation by tenants from year to year.

A.D. 1876.

Sale of lands
in considera-
tion of rent-
charge.

10. In the event of the Postmaster General selling or disposing of any superfluous lands acquired under this Act in pursuance of the Lands Clauses Consolidation Act, 1845, it shall be lawful for the Postmaster General to sell and convey the same in consideration of an annual rentcharge payable by the purchaser of such land, 5 and to recover such rentcharge in manner provided by the eleventh section of the Lands Clauses Consolidation Act, 1845, or in such other manner as may be agreed upon between the Postmaster General and the purchaser.

Authentica-
tion of
notices.

11. Every notice summons writ or other document required to be 10 given issued or signed by or on behalf of the Postmaster General under this Act may be given, issued, or signed by the solicitor or secretary of the General Post Office for the time being, and need not be under the corporate seal of the Postmaster General, and may be in writing or in print, or partly in writing and partly in print. 15

Orders
concerning
money.

12. All orders which the Chancery Division of Her Majesty's High Court of Justice is empowered to make on motion or petition in relation to any money paid into the Bank of England with the privity of the Paymaster General under this Act, or the securities in or upon which the same may be invested, or the dividends or 20 interest on such money and securities, may be made by any judge of the said division, upon application to him while sitting at chambers, upon summons, in like manner as in other cases in which proceedings may be so had; subject, nevertheless, to any general orders which may hereafter be made concerning the 25 practice proceedings or business of the said court on any such application.

Time for
compulsory
purchase.

13. The limit of time for the compulsory purchase of lands under this Act shall be three years.

Sanction of
Treasury
required to
purchase
under this
Act.

14. No purchase shall be made by the Postmaster General under 30 the authority of this Act without the sanction of the Treasury, but such sanction may be given either generally or in respect of any particular purchase or purchases, and a vendor to or purchaser from the Postmaster General shall not be bound or entitled to inquire whether such sanction has been given. 35

Exemption
of deeds
from stamp
duty.

15. No deed bond or other instrument executed for any of the purposes of this Act shall be subject or liable to any stamp duty imposed by any Act for the time being in force, unless such instru- 40 ments are specifically charged therewith by any Act passed after the passing of this Act.

Manchester Post Office.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To enable Her Majesty's Postmaster General to acquire a site for the extension of the Manchester General Post Office.

(Prepared and brought in by
Mr. William Henry Smith and Lord John
Manners.)

Ordered, by The House of Commons, to be Printed,
9 March 1876.

[Bill 100.]

Under 1 oz.

A

B I L L

TO

Amend the Law relating to Insurances and other Maritime Contracts. A.D. 1876.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

5 *Preliminary.*

1. This Act may be cited as The Maritime Contracts Act, Short title. 1876.

2. This Act shall commence and have effect from and immediately after the *Thirty-first day of December, one thousand eight hundred* Commence-
10 *and seventy-six.* ment.

3. In this Act—

"Ship" includes every description of vessel used in navigation not propelled by oars, and every part of a ship, or of her equipments or machinery, and a share or interest in a ship :

Interpreta-
tion.

15 "Contract of insurance," or "insurance," includes agreement for mutual insurance, or an insurance effected thereunder.

Contract for Carriage of Goods or Persons.

4. In every contract made after the commencement of this Act for the carriage of goods or persons by sea there shall, by virtue
20 of this Act, be implied a warranty by the shipowner, charterer, or other person contracting, that the ship is seaworthy at the commencement of the voyage to be performed under the contract. Implied
warranty in
bill of lading,
&c. for sea-
worthiness.

Any contract, or part or term of a contract, made after the commencement of this Act, contrary to or inconsistent with that
25 warranty, shall, as far as it is so contrary or inconsistent, be void to all intents.

[Bill 50.]

A.D. 1876.

Insurance
against effect
of warranty
void.

Saving for
limitation of
liability.

Saving for
existing
warranty,
&c.

5. An insurance against any risk or liability consequent on the warranty aforesaid shall be void to all intents.

6. Nothing in the foregoing provisions shall prejudicially affect the provisions of section fifty-four of The Merchant Shipping Act Amendment Act, 1862, relating to the limitation of a shipowner's liability. 5

7. Nothing in the foregoing provisions shall derogate from any warranty, undertaking, or obligation on the part of a shipowner, charterer, or other person contracting for the carriage of goods or persons by sea, that would have existed if this Act had not been passed. 10

Marine Insurance.

Opening of
valuation in
policy on
ship or
freight.

8. Where in an action on a contract of insurance on ship or freight made after the commencement of this Act by a valued policy, it appears to the Court, at any stage of the action, whether application in this behalf is made by the defendant or not, that there is ground to believe that the valuation is unreasonably in excess of the real value of the subject-matter of insurance, the Court may, if it thinks fit, direct an inquiry before referees, on such terms and conditions respecting costs and other matters as to the Court seem just, to ascertain what would have been the value of the interest of the insured if the policy had been an open one. 20

If on the report of the referees it appears to the Court that the valuation is unreasonably in excess of the real value of the subject-matter of insurance, then the insured shall not be entitled to recover in the action more than the value as ascertained by the referees. 25

Amount re-
coverable on
policy on
freight.

9. Where there is an insurance on freight effected after the commencement of this Act, the insured shall not be entitled to recover in respect of any freight lost without allowing for the proportion of expenses remaining, at the time of the loss, to be incurred in earning such freight. 30

The amount to be so allowed shall be ascertained or estimated as the Court, in any action on the contract, directs.

Charges in
respect of
freight to be
deemed
doubly
insured.

10. Where an insurance on freight effected after the commencement of this Act covers cost of wages, outfit, and other charges, and that cost is also insured by any other policy effected by the same person, that cost shall be deemed to be the subject of a double insurance. 35

So much of the cost aforesaid as has hitherto been covered by an open policy on ship shall, in case of a policy on ship, whether open 40

or valued, effected after the commencement of this Act, be deemed to be covered by that policy, unless expressly excluded thereby. A.D. 1876.

11. Where an insurance on behalf of a shipowner on ship or freight by time is effected after the commencement of this Act, the insured shall not be entitled to recover in respect of any loss occurring, if the loss would not have occurred but for the unseaworthiness of the ship, and that unseaworthiness existed at the time of the ship's leaving the port or place of safety (if any) in which she was at the commencement of the risk, or the port or place of safety in which she last was before the commencement of the risk, and could have been prevented by the exercise of reasonable care on the part of the owner or of the master of the ship, or of any agent of the owner, charged, as such, with the loading of the ship, or with the sending of her to sea from that port or place.
- 15 For the purposes of this section, unseaworthiness arising from the defective condition of the hull, equipments, or machinery of the ship, or by reason of overloading or improper loading, shall alone be deemed unseaworthiness.

12. Nothing in this Act shall derogate from the warranty of seaworthiness implied in any policy of insurance. Saving for existing warranty.

Maritime Contracts.

A

B I L L

To amend the Law relating to Insurances and other Maritime Contracts.

*(Prepared and brought in by
Mr. Rakes, Mr. Chancellor of the Exchequer,
and Mr. Attorney General.)*

*Ordered, by The House of Commons, to be Printed,
10 February 1876.*

[Bill 50.]

Under 1 oz.

A

B I L L

TO

Abolish Market Juries in Ireland.

A.D. 1876.

WHEREAS effectual provision has been made for the performance of the duties formerly imposed upon and discharged by Market Juries in Ireland, and there is no longer any necessity for summoning or empannelling such Juries :

5 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. *After the passing of this Act* it shall not be necessary to
 10 summon or empannel Market Juries in any city or town in Ireland.

Abolition of
Market
Juries in
Ireland.

2. The several statutes and parts of statutes of the Parliament of Ireland in the schedule to this Act mentioned shall be and the same are hereby repealed.

Repeal of
statutes
as to Market
Juries.

15

SCHEDULE.

13 & 14 Geo. 3. c. 22. s. 73. (I.)

15 & 16 Geo. 3. c. 20. s. 43. (I.)

27 Geo. 3. c. 46. (I.)

28 Geo. 3. c. 42. (I.)

Market Juries (Ireland).

A

BILL

To abolish Market Juries in Ireland.

*(Prepared and brought in by
Sir Colman O'Loughlin, Mr. Maurice Brooks,
and Mr. Patrick Martin.)*

*Ordered, by The House of Commons, to be Printed,
30 March 1876.*

[Bill 117.]

Under 1 oz.

A

B I L L

TO

Render valid Marriages heretofore solemnised in the chapel of ease of Saint James in the parish of Buxton in the county of Derby. A.D. 1876.

WHEREAS the chapel of ease known as the chapel of ease of Saint James, in the parish of Buxton in the county of Derby and diocese of Lichfield, was duly consecrated for the performance of divine service, but no authority has ever been given by the
 5 bishop of the said diocese, or otherwise, for the publication of banns and solemnisation of marriages therein :

And whereas divers marriages have nevertheless been solemnised in the said chapel of ease under an erroneous impression on the part of the ministers thereof, that by virtue of the consecration of
 10 the said chapel of ease, or otherwise, marriages might be lawfully solemnised therein ; and entries of the said marriages so solemnised have from time to time been made in the register books kept at the parish church :

And whereas it is expedient under the circumstances aforesaid to
 15 remove all doubts touching the validity of the marriages so solemnised in the said chapel of ease :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and
 20 by the authority of the same, as follows :

1. All banns of marriage and marriages published or solemnised before the passing of this Act in the chapel of ease of Saint James in the parish of Buxton aforesaid, shall be as valid as if the same had been published or solemnised in a church duly consecrated and
 30 licensed for marriages.

Marriages heretofore solemnised in church of St. James Buxton to be valid.

[Bill 79.]

A.D. 1876.

Minister
officiating
not liable to
censure.

Registers of
such mar-
riages to be
evidence.

2. No minister who has solemnised any of the said marriages shall be liable to any ecclesiastical censure, or to any other proceedings or penalties whatsoever, by reason of his having so solemnised the same respectively.

3. The registers of the marriages so solemnised, or copies of such registers, shall be received in all courts as evidence of such marriages respectively, in the same manner as registers of marriages in parish churches, or copies thereof, are by law receivable in evidence. 5

Marriages (St. James,
Buxton).

A

B I L L

To render valid Marriages heretofore
solemnised in the Chapel of Ease
of Saint James in the parish of Buxton
in the county of Derby.

(Prepared and brought in by
Sir Henry Selwin-Ibbetson and
Mr. Secretary Cross).

Ordered, by The House of Commons, to be Printed,
17 February 1876.

[Bill 79.]

Under 1 oz.

A

B I L L

TO

Amend the Medical Act, 1858, so far as relates to the registration of women who have taken the degree of Doctor of Medicine in a foreign University. A.D. 1876.

WHEREAS under the provisions of the Medical Act, 1858, a woman who had taken the degree of doctor of medicine in a foreign or colonial university, and had practised as a physician in the United Kingdom before the passing of the Act, was qualified to be registered :

And whereas it is expedient that any woman who possesses the degree of doctor of medicine of a foreign university may be entitled to be registered, although she has not practised as a physician in the United Kingdom before the first day of October one thousand eight hundred and fifty-eight :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. Every woman to whom the degree of doctor of medicine has been or may hereafter be granted, after regular examination, by any of the foreign universities mentioned in the schedule to this Act, shall, upon application to that effect, be entitled to be registered in the terms of section fifteen of the Medical Act, and on the same conditions as are laid down in sections twenty and twenty-one of the said Act, as applicable to degrees granted by the examining colleges and bodies of the United Kingdom.

Women who are doctors of medicine may be registered.

2. It shall be lawful from time to time for the General Medical Council to add other foreign or colonial universities to those mentioned in the schedule to this Act, and whenever the said council shall have determined and issued an order to that effect, the degree of doctor of medicine of such university or universities shall thereupon constitute a qualification entitling any woman holding the

Other universities may be added to the schedule.

[Bill 36.]

A.D. 1786. same to registration under the Medical Act, 1858, subject always to the conditions mentioned in the above-mentioned sections of the said Act.

Short title. **3.** This Act may be cited for all purposes as the Medical Act (Foreign Universities), 1876, and shall be construed as one with 5 the Medical Acts.

SCHEDULE.

University of France.
University of Berlin.
University of Vienna.
University of Leipsig.
University of Berne.
University of Zurich.

10

Medical Act Amendment (Foreign Universities).

A

B I L L

To amend the Medical Act, 1858, so far as relates to the registration of women who have taken the degree of Doctor of Medicine in a foreign University.

*(Prepared and brought in by
Mr. Couper-Temple, Mr. Russell Gurney,
Dr. Cameron, and Mr. Forsyth.)*

*Ordered, by The House of Commons, to be Printed,
9 February 1876.*

[Bill 86.]

Under 1 oz.

A

B I L L

TO

Remove Restrictions on the granting of Qualifications for A.D. 1876.
Registration under the Medical Act on the ground of —
Sex.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the authority of the same :

- 5 1. The powers of every body entitled under the Medical Act to grant qualifications for registration shall extend to the granting of any qualification for registration granted by such body to all persons without distinction of sex. Power to grant qualification extended.
- 10 2. This Act shall be taken to be incorporated with the Medical Act, as amended by the Act of the twenty-second year of Her Majesty, chapter twenty-one, and the Medical Act as so amended and any other Act amending the Medical Act shall be construed and have effect accordingly. Act incorporated with 21 Vict. c. 21.

Medical Act (Qualifications).

A

B I L L

To remove Restrictions on the granting of Qualifications for Registration under the Medical Act on the ground of Sex.

(*Prepared and brought in by
Mr. Russell Gurney and Mr. John Bright.*)

*Ordered, by The House of Commons, to be Printed,
25 May 1876.*

[Bill 170.]

Under 1 oz.

A
B I L L

TO

Enable legally qualified Medical Practitioners to hold certain public Medical Appointments, and to amend the Medical Act. A.D. 1876.

WHEREAS under the provisions of the statute of the thirty-sixth year of the reign of King George the Third, chapter nine, of the Parliament of Ireland, no person is capable of being elected surgeon to a county infirmary or hospital in Ireland who shall not previously have obtained letters testimonial of his qualification under the seal of the Royal College of Surgeons in Ireland :

And whereas it is desirable that all legally qualified medical practitioners, with qualifications in medicine and surgery registered under "The Medical Act," should be capable of being elected to all public medical or surgical appointments, anything in the said Act or any other Acts to the contrary notwithstanding :

And whereas it is desirable that persons who have obtained the degree of bachelor in surgery or the diploma in state medicine of any university in Great Britain and Ireland, legally authorised to confer such degree or diploma, should be empowered to register these qualifications under "The Medical Act.:"

And whereas the said objects cannot be effected without the authority of Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as "An Act to enable
" legally qualified Medical Practitioners to hold certain public
" Medical Appointments, and to amend the Medical Act."

Short title.

2. Notwithstanding anything contained in the said Act of the thirty-sixth year of the reign of King George the Third, chapter nine (Ireland), or any other Act of Parliament, all legally qualified

Legally qualified medical practitioners to be capable of holding

[Bill 81.]

A.D. 1876. public
medical
and surgical
appoint-
ments. medical practitioners with qualifications in medicine and surgery registered under "The Medical Act" shall be capable of being elected to all public medical or surgical appointments, and when so elected shall for all purposes be deemed to be duly appointed, and be entitled to all the emoluments and advantages, and liable to 5 discharge all the duties of the said offices.

Qualifica-
tions of
bachelor in
surgery and
diploma in
state medi-
cine to be
registered
under the
Medical Act. 3. All persons who have obtained from any university of the United Kingdom legally authorised to confer the same the degree of bachelor in surgery or a diploma in state medicine shall be permitted and are hereby empowered to register the said degree and 10 diploma or either of them as qualifications under "The Medical Act" anything in the said Act to the contrary notwithstanding.

Medical Practitioners.

A

B I L L

To enable legally qualified Medical Practitioners to hold certain public Medical Appointments, and to amend the Medical Act.

(*Prepared and brought in by*
Mr. Gibson, Dr. Cameron, Mr. Mulholland,
and Dr. Ward.)

Ordered, by The House of Commons, to be Printed,
18 February 1876.

[Bill 81.]

Under 1 oz.

Mercantile Marine Hospital Service Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clauses.

1. Short title.
2. Definitions.

Inspection of Seamen.

3. Inspection shall be compulsory. Mode of inspection.

Establishment of a Mercantile Marine Hospital Service.

4. Hospitals to be established at certain ports. Foreign seamen eligible for admission under certain circumstances.
5. Classes of seamen to be admitted or excluded.
6. Appointment of medical director and assistants.
7. Appointment of medical superintendents and assistants.
8. Appointment of medical officers in places other than the ports mentioned in schedule.
9. Remuneration of medical officers.
10. Medical staff in British possessions.

Mode of defraying Expenses of Service.

11. Creation of Mercantile Marine Hospital Fund.
12. Funds to be applied towards providing hospital accommodation and organization of the hospital service.
13. Proper authority to provide duly certified hospital buildings.

A

B I L L

TO

Provide for the organization of a Mercantile Marine Hospital Service and the Medical Examination of Seamen. A.D. 1876.

WHEREAS it hath appeared that great loss of life and property has arisen from the fact of vessels of the Mercantile Marine having proceeded to sea undermanned by reason of sickness, and the shipping of men totally unfit for the contingencies of sea life :

5 And whereas it is expedient that due provision should be made by the establishment of a medical department for bettering the present condition of, and for the prevention and treatment of disease among sailors of the Mercantile Marine of Great Britain :

Be it therefore enacted by the Queen's most Excellent Majesty,
10 by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Preliminary.

1. This Act may be cited for all purposes as "The Mercantile Marine Hospital Service Act, 1876." Short title.

2. In the construction and for the purposes of this Act, the following terms shall have the respective meanings herein-after assigned to them ; that is to say, Definitions.

The word "seaman" shall include any person (except masters, officers, or pilots) employed or engaged in any capacity on board any ship :

The term "proper authority" shall mean the Board of Trade, or such other governmental department as may have the general superintendence of matters relating to merchant ships and seamen :

[Bill 76.]

A 2

A.D. 1876.

The term "medical director" shall mean the person for the time being discharging the duties of principal physician or surgeon under this Act :

The term "medical superintendent" shall mean the surgeon or physician for the time being attached to or doing duty at a hospital, 5 or the house surgeon or resident surgeon thereof to be appointed under this Act.

Inspection of Seamen.

Inspection
shall be
compulsory.
Mode of
inspection.

3. The medical inspection of all seamen about to go to sea shall be compulsory, and such inspection shall take place prior to and 10 upon each occasion of signing articles. Such inspection shall be made by medical officers to be appointed as herein-after provided, or by such as are already appointed by the Board of Trade. A certificate of such inspection shall be given by the medical inspector to each seaman so inspected, in the form set out in 15 Schedule II., and a register of the same kept by the inspector. No such certificate shall bear date more than seven days prior to a seaman offering himself for service, but to avoid unnecessary delay or detention of a ship in case of any unforeseen accident, or circumstances affecting the numerical strength of his crew, the captain 20 shall be at liberty to replace any one or more of such crew by such seamen as may be in possession of a medical inspector's certificate; provided that in all such cases the certificate shall be countersigned by the medical inspector of the port from which the vessel sails, or if there be no inspector appointed at such 25 port or place, then by such local medical practitioner as may be appointed for that office.

Establishment of a Mercantile Marine Hospital Service.

Hospitals
to be esta-
blished at
certain ports.

4. A mercantile marine hospital service shall be established by the building and organization of Government hospitals for the 30 reception and treatment of the sick of the British Mercantile Marine at the ports indicated in the schedule hereto. For the purposes of this Act the coast line of the United Kingdom shall be divided into districts as specified in the Schedule I., and each such district shall be represented by one of the said ports. Such 35 hospital accommodation shall be in due proportion to the tonnage of such port. Seamen of all nations other than the United Kingdom shall be eligible for admission as in or out patients of any of the said hospitals as may be deemed expedient by the medical staff thereof, on the consul, captain, owner, or consignee 40 complying with the regulations as to payment of such sums to

Foreign sea-
men eligible
for admission
under cer-
tain circum-
stances.

the Mercantile Marine Hospital Fund as may from time to time be provided. A.D. 1876.

5. In every case where a seaman is rejected by the inspecting medical officer as temporarily unfit such seaman shall forthwith be admitted as an in or out patient of the hospital of the port, and if he be so rejected at a place where no such hospital exists, then such seaman shall receive medical or surgical treatment as herein-after provided in section eight. In every case in which a seaman is rejected by the inspecting medical officer as permanently unfit, such seaman shall not be eligible for hospital admission or treatment.

Classes of seamen to be admitted or excluded.

6. The proper authority for the time being shall, on the commencement of this Act, appoint a medical officer to be during pleasure medical director of the Mercantile Marine, and whose duties it shall be to supervise all matters connected with the Mercantile Marine Hospital Service, and the expenditure of the fund thereof; and the said proper authority shall from time to time, on the death, resignation, or removal from office of such director, appoint another officer in his stead. An assistant medical director shall also be appointed by the same authority, who, in the absence of the director, shall have like powers and authority. Notice of the appointment of every such director or assistant director shall be published in the London Gazette.

Appointment of medical director and assistants.

7. On the commencement of this Act the proper authority for the time being shall appoint a medical officer for each of the ports mentioned in the schedule hereto, I., to be during pleasure medical superintendent of the hospital at such port for the purposes of this Act, and whose duties, in addition to that of the treatment, care, and general supervision of the hospital sick, shall include inspection of seamen, medicine chests, and anti-scorbutics, and also the general medical supervision of the seamen in the district attached to the port to which he belongs. The said proper authority shall, from time to time, on the death, resignation, or removal of any such medical superintendent, appoint another such officer in his stead. The proper authority shall also, as occasion may require, and on the requisition of the medical director, appoint one or more medical officers or assistant medical officers to such superintendent; such assistant or assistants shall, in the absence of such superintendent, have the like powers and authorities, and shall discharge the like duties; and notice of the appointment of any such superintendent or assistant shall be published in the London or Dublin Gazette, as the case may require.

Appointment of medical superintendents and assistants.

- A.D. 1876. **8.** In all seaport towns and places other than the ports named in the schedule, seamen shall be inspected by some local inspector or practitioner to be appointed to such office, and such officer so appointed shall, also at a fixed scale, have medical charge of such seamen as may prove sick or incapable from temporary ailment. A detailed monthly report of all inspections and cases treated by such local practitioner shall be forwarded to the superintendent of the port to which the district of the said local practitioner is attached. 5
- Appointment of medical officers in places other than the ports mentioned in the schedule.
- 9.** The said medical director, assistant director, superintendents, assistants, local practitioners, and members of the hospital staff, and others, appointed under this Act, shall be remunerated for their respective services at such rate as the proper authority may direct, and such remuneration shall be paid out of the Mercantile Marine Hospital Fund. 15
- Remuneration of medical officers.

Mode of defraying Expenses of Service.

- 10.** The expenses of carrying into execution the provisions of this Act shall be paid by the medical director under the supervision of the Board of Trade, or other proper authority, out of the money to be provided by a fund to be called the "Mercantile Marine Hospital Fund," which shall be created as follows : 20
- A tax shall be assessed and collected by the collector of customs, or such other person as may be appointed, at the various ports of the United Kingdom from the master or owners of every British vessel, whether engaged in the home or foreign trade. 25
- Such tax shall be at the rate of *sixpence* in the pound per month on the wages of each and every officer and seaman who shall be employed on any such British vessel, which sum the master or owner of such vessel is hereby authorised and required to deduct from the wages of the officer or seaman, and to pay the same to the collector of customs, who shall pay in the same without any deduction to the Treasury to the account of the "Mercantile Marine Hospital Fund ;" and any master or owner who shall render a false account of the number of officers and crew, the length of time they have been severally employed, or of the amount of wages paid or due to each and every officer or man, shall incur a penalty for each such default not exceeding *fifty* pounds, and any sums to be received by way of such penalty shall be paid into the Treasury to the account of the Mercantile Marine Hospital Fund. The needful regulations for the mode of collecting the sums mentioned in this section shall be made and issued by and under 30 35 40
- Creation of Mercantile Marine Hospital Fund.

the direction of the proper authority. Seamen of all nations, other than those forming the crews of British ships, shall be eligible for admission to or for hospital treatment, as may be deemed expedient, on the payment by the consul, captain, owner, or consignee of such sum of money as shall be prescribed by the proper authority.

A.D. 1876.

11. The funds to be obtained under this Act shall be employed by the medical director, under the supervision of the proper authority, for the provision of hospital accommodation and the organization and maintenance of the Marine Hospital Service to be created by this Act.

Funds to be applied towards providing hospital accommodation and the organization of the hospital service.

12. The medical director under the proper authority as aforesaid shall provide buildings or parts of buildings, and shall furnish and complete the same with all necessary accommodation, as hospitals for the purpose of this Act; and such building or parts of buildings so provided and certified in writing by the proper authority to be so provided shall be deemed a certified hospital under this Act; and every certified hospital so provided shall be placed under the control of one of the medical superintendents or such other medical officer as is herein-before mentioned.

Proper authority to provide duly certified hospital buildings.

A.D. 1876.

SCHEDULE I.

ENGLAND AND WALES.

<u>Hospital Port.</u>		<u>District.</u>	
EAST COAST :			
London, Custom House.—The Thames, from London Bridge to Green-		wich, inclusive.	5
Gravesend	- -	The Thames and coast towns from Greenwich to Dungeness South and Yarmouth North, inclusive.	
Hull	- - -	From Whitby North, inclusive, to Yarmouth.	10
Shields	- -	From Berwick to Whitby.	
SOUTH COAST :			
Southampton	- -	From Dungeness East, inclusive, to Lyme Regis West, inclusive.	
Falmouth	- -	From Ilfracombe West, inclusive, to Lyme Regis East.	15
WEST COAST :			
Bristol	- -	From Gloucester, inclusive, to Ilfracombe.	
Cardiff	- -	From Chepstow, inclusive, to Swansea.	
Swansea	- -	From Swansea to Chester, inclusive, and Anglesey, inclusive.	20
Liverpool	- -	From Chester to Dumfries.	

SCOTLAND.

EAST COAST :			
Leith	- - -	From Leith, inclusive, to Berwick, inclusive.	25
Dundee	- -	From Stonehaven, inclusive, to Leith.	
Aberdeen	- -	From Wick, inclusive, to Stonehaven.	
WEST COAST :			
Dumfries	- -	From Dumfries to Ayr, inclusive.	
Glasgow	- -	From Ayr to Dumbarton, including the Clyde.	30

A.D. 1876.

IRELAND.				
Hospital Port.			District.	
EAST COAST :				
5	Dublin	-	-	From Wicklow to Kerry, inclusive.
	Belfast	-	-	From Fairhead, inclusive, to Kerry.
	Wexford	-	-	From Dungarvon, inclusive, to Wicklow.
NORTH COAST :				
	Londonderry	-	-	From Newport, inclusive, to Fairhead.
WEST COAST :				
10	Galway	-	-	From Bantry Bay, inclusive, to Newport.
SOUTH COAST :				
	Cork	-	-	From Bantry Bay to Dungarvon Harbour.

A.D. 1876.

SCHEDULE II.

Port of _____ District _____.

MERCANTILE MARINE HOSPITAL SERVICE ACT, 1875.

MEDICAL INSPECTION OF SEAMEN.

Certificate of Inspection

5

N.B. A copy of this Certificate to be given to each Seaman after inspection.

Name of Seaman.	Age.	Nationality.	Complexion.	Height.	Rating.	Ship for which formerly inspected, and Date.	Ship for which now inspected.†	Owner's Name.
Christian Name.								
Surname.								

10

† If no ship, insert "No ship."

I hereby certify that I have examined the above-named seaman, and that I find him as follows :—

15

Obliterate (a) or (b) as required.

- (a) *That he is fit for duty at sea.
(b) *That he is not fit for duty at sea, for the following reasons :—

Given under my hand this _____ day of _____ 187 .

Medical Superintendent of _____ Hospital, 20
or,
Medical Inspector, &c. as case may be.

To the Superintendent of the
Mercantile Marine Office.

Mercantile Marine Hospital Service.

A

BILL

To provide for the organization of a
Mercantile Marine Hospital Service
and the Medical Examination of
Seamen.

*(Prepared and brought in by
Captain Pin and Mr. Wheelhouse.)*

*Ordered, by The House of Commons, to be Printed,
16 February 1876.*

[Bill 76.]

Under 2 oz.

Journal of Management Education 35(10) 1131-1144

Clause.

- ### *Unseaworthy Ships.*

- Appeal on Survey of Passenger Steamer and Emigrant Ship.*

- ### Grain Cargoes.

- ### Deck Cargoes.

- ### Deck and Load-lines.

17. Marking of deck-lines.
 18. Marking of load-line.
 19. Penalty for offences in relation to marks on ships.
- [Bill 49.] a

Investigations into Shipping Casualties.

Clause.

20. Appointment, duties, and powers of wreck commissioners for investigating shipping casualties.
21. Assessors and rules of procedure on formal investigations into shipping casualties.
22. Power for wreck commissioner to institute examination with respect to ships in distress under 17 & 18 Vict. c. 104. s. 448.
23. Power to hold inquiries or formal investigations as to stranded and missing ships.

Training Ships.

24. Contribution from Mercantile Marine Fund to training ships.

Certificates of Health.

25. Expenses incurred for seamen left abroad who have been engaged without certificates of health.

Miscellaneous.

26. Enforcing detention of ship.
27. Ship's managing owner or manager to be registered.
28. Fees, salaries, and costs.
29. Legal proceedings in case of offences.
30. Application of Act to Scotland.
31. Application of Act to Ireland.

Repeal.

32. Repeal of Acts.

SCHEDULE.

A
B I L L

TO

Amend the Merchant Shipping Acts.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows : A.D. 1876.

5 *Preliminary.*

1. This Act may be cited as the Merchant Shipping Act, 1876. Short title.

2. This Act shall be construed as one with the Merchant Shipping Act, 1854, and the Acts amending the same; and the said Acts and this Act may be cited collectively as the Merchant Shipping Acts, 1854 to 1876. Construction of Act.

Unseaworthy Ships.

3. Every person who sends or attempts to send, or is party to sending or attempting to send a ship to sea in such unseaworthy state that the life of any person is likely to be thereby endangered, and the managing owner of any British ship so sent to sea from any port in the United Kingdom, shall be guilty of a misdemeanor, unless he proves that he used all reasonable means to ensure her being sent to sea in a seaworthy state, or that her going to sea in such unseaworthy state was, under the circumstances, reasonable and justifiable; and, for the purpose of giving such proof, he may give evidence in the same manner as any other witness. Sending unseaworthy ship to sea a misdemeanor.
34 & 35 Vict.
c. 110. s. 11.
38 & 39 Vict.
c. 88. s. 4.

Every master of a British ship who knowingly takes the same to sea in such unseaworthy state that the life of any person is likely to be thereby endangered shall be guilty of a misdemeanor, unless he proves that her going to sea in such unseaworthy

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A.D. 1876. state was, under the circumstances, reasonable and justifiable, and for the purpose of giving such proof he may give evidence in the same manner as any other witness.

A prosecution under this section shall not be instituted except by or with the consent of the Board of Trade. 5

A misdemeanor under this section shall not be punishable upon summary conviction.

Obligation of shipowner to crew with respect to use of reasonable efforts to secure seaworthiness. See 38 & 39 Vict. c. 88. s. 9.

4. In every contract of service, express or implied, between the owner of a ship and the master or any seaman thereof, and in every instrument of apprenticeship whereby any person is bound to serve 10 as an apprentice on board any ship, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the owner of the ship, that the owner of the ship, and the master, and every agent charged with the loading of the ship, or the preparing thereof for sea, or the sending thereof to sea, shall use all reason- 15 able means to insure the seaworthiness of the ship for the voyage at the time when the voyage commences, and to keep her in a seaworthy condition for the voyage during the same.

Power to detain unsafe ships and procedure for such detention. See 36 & 37 Vict. c. 85. s. 12.

5. Where a British ship is, by reason of the defective condition of her hull, equipments, or machinery, or by reason of overloading 20 or improper loading, unfit to proceed to sea without serious danger to human life, having regard to the nature of the service for which she is intended, any such ship (herein-after referred to as "unsafe") may be provisionally detained for the purpose of being surveyed, and either finally detained or released, as follows : 25

- (1.) The Board of Trade, if they have reason to believe on complaint, or otherwise, that a British ship is unsafe, may provisionally order the detention of the ship for the purpose of being surveyed.
- (2.) When a ship has been provisionally detained the Board of 30 Trade may, if they think fit, appoint some competent person or persons to survey the ship and report thereon to the Board.
- (3.) The Board of Trade on receiving the report may either order the ship to be released or, if in their opinion the ship is 35 unsafe, may order her to be finally detained, either absolutely, or until the performance of such conditions with respect to the execution of repairs or alterations, or the unloading or reloading of cargo, as the Board think necessary for the protection of human life, and may from 40 time to time vary or add to any such order.
- (4.) Before the order for final detention is made a copy of the report shall be served upon the master of the ship, and

within three days after such service the owner or master of the ship may appeal in the prescribed manner to the court of survey (herein-after mentioned) for the port or district where the ship is detained. A.D. 1876.

- 5 (5.) Where a ship has been provisionally detained on the ground that she is unsafe by reason of over-loading, the owner or master of the ship may, within twenty-four hours after the service of the order on the master, appeal in the prescribed manner to the court of survey for the port or district
10 where the ship is detained.
- (6.) Where a ship has been provisionally detained on the ground that she is unsafe by reason of over-loading, the owner or master of the ship may, in lieu of appealing to the court of survey, require that the person appointed by the Board
15 of Trade to survey the ship shall be accompanied by such person as the owner or master may select out of the list of assessors for the court of survey (nominated as herein-after mentioned), and in such case if the surveyor and assessor agree, the Board of Trade shall cause the ship
20 to be detained or released accordingly, but if they differ, the Board of Trade may act as if the requisition had not been made, and the owner and master shall have the like appeal touching the report of the surveyor, as is before provided by this section.
- 25 (7.) Where a ship has been provisionally detained, the Board of Trade may, at any time, if they think it expedient, refer the matter to the court of survey for the port or district where the ship is detained.
- (8.) The Board of Trade may at any time, if satisfied that a
30 ship detained under this Act is not unsafe, order her to be released either upon or without any conditions.
- (9.) For the better execution of this section, the Board of Trade may from time to time appoint a sufficient number of fit
35 officers, and may remove any of them. See 38 & 39 Vict. c. 83. s. 1.
- (10.) Any officer so appointed (in this Act referred to as a detaining officer) shall have the same power as the Board of Trade have under this section of provisionally ordering the detention of a ship for the purpose of being surveyed, and of appointing a person or persons to survey her; and if he
40 thinks that a ship so detained by him is not unsafe may order her to be released.
- (11.) A detaining officer shall forthwith report to the Board of Trade any order made by him for the detention or release of a ship.

A.D. 1876.

Constitution
of court of
survey for
appeals.
See 36 & 37
Vict. c. 85.
s. 14.

6. A court of survey for a port or district shall consist of a judge sitting with two assessors.

The judge shall be such person as may be summoned for the case in accordance with the rules made under this Act out of a list (from time to time approved for the port or district by one of Her Majesty's principal Secretaries of State, in this Act referred to as a Secretary of State,) of wreck commissioners appointed under this Act, stipendiary or metropolitan police magistrates, judges of county courts, and other fit persons; but in any special case in which the Board of Trade think it expedient to appoint a wreck commissioner, the judge shall be such wreck commissioner.

The assessors shall be persons of nautical engineering or other special skill and experience; one of them shall be appointed by the Board of Trade, either generally or in each case, and the other shall be summoned in accordance with the rules under this Act by the registrar of the court, out of a list of persons periodically nominated for the purpose by the local marine board of the port, or, if there is no such board, by a body of local shipowners or merchants approved for the purpose by a Secretary of State, or, if there is no such list, shall be appointed by the judge.

Such county court registrar or other fit person as a Secretary of State may from time to time appoint shall be the registrar of the court, and shall, on receiving notice of an appeal or a reference from the Board of Trade, immediately summon the court in the prescribed manner to meet forthwith.

The name of the registrar and his office, together with the rules made under this Act relating to the court of survey, shall be published in the prescribed manner.

Power and
procedure of
court of
survey.

7. With respect to the court of survey the following provisions shall have effect:

- (1.) The case shall be heard in open court;
- (2.) The judge and each assessor may survey the ship, and shall have for the purposes of this Act all the powers of an inspector appointed by the Board of Trade under the Merchant Shipping Act, 1854;
- (3.) The judge may appoint any competent person or persons to survey the ship and report thereon to the court;
- (4.) The judge shall have the same power as the Board of Trade have to order the ship to be released or finally detained, but unless one of the assessors concurs in an order for the detention of the ship, the ship shall be released;
- (5.) The owner and master of the ship and any person appointed by the owner or master, and also any person appointed by

17 & 18 Vict.
c. 104. s. 14.

the Board of Trade, may attend at any inspection or survey made in pursuance of this section; A.D. 1876.

(6.) The judge shall send to the Board of Trade the prescribed report and each assessor shall either sign the report or report to the Board of Trade the reasons for his dissent.

5 **8.** The Lord Chancellor of Great Britain may from time to time, (with the consent of the Treasury so far as relates to fees,) make, and when made revoke, alter, and add to general rules to carry into effect the provisions of this Act with respect to a court of survey, and in
10 particular with respect to the summoning of and procedure before the court, the requiring security on an appeal for costs and damages, the amount and application of fees, and the publication of the rules.

All such rules while in force shall have effect as if enacted in this Act, and the expression "prescribed" in the provisions of this
15 Act relating to the detention of ships or court of survey means prescribed by such rules.

9. If it appears that there was not reasonable and probable cause for the provisional detention of a ship under this Act, the Board of Trade shall be liable to pay to the owner of the ship his
20 costs of and incidental to the detention and survey of the ship, and also compensation for any loss or damage sustained by him by reason of the detention or survey.

If a ship is finally detained under this Act, or if it appears that there was reasonable and probable cause for the provisional detention of a ship under this Act, the owner of the ship shall be liable
25 to pay to the Board of Trade their costs of and incidental to the detention and survey of the ship, and those costs shall, without prejudice to any other remedy, be recoverable as salvage is recoverable.

30 For the purposes of this Act the costs of and incidental to any proceeding before a court of survey, and a reasonable amount in respect of the remuneration of the surveyor or officer of the Board of Trade shall be deemed to be part of the costs of the detention and survey of the ship, and any dispute as to the amount of costs under
35 this Act may be referred to one of the masters or registrars of the Supreme Court of Judicature, who on request made to him for that purpose by the Board of Trade shall ascertain and certify the proper amount of such costs.

An action for any costs or compensation payable by the Board of Trade under this section may be brought against the secretary thereof by his official title as if he were a corporation sole. See 38 & 39
Vict. c. 88.
s. 8.

A.D. 1876.

Power to
require from
complainant
security for
costs.

See 36 & 37
Vict. c. 85.
s. 13.
38 & 39 Vict.
c. 88. s. 2.

10. Where a complaint is made to the Board of Trade or a detaining officer that a British ship is unsafe, the Board or officer may, if they or he think fit, require the complainant to give security to the satisfaction of the Board for the costs and compensation which he may become liable to pay as herein-after mentioned.

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Provided that where the complaint is made by one fourth of the seamen belonging to the ship, and is not in the opinion of the Board or officer frivolous or vexatious, such security shall not be required, and the Board or officer shall, if the complaint is made in sufficient time before the sailing of the ship, take proper steps for ascertaining whether the ship ought to be detained under this Act.

Where a ship is detained in consequence of any complaint, and it appears that the complaint was made without reasonable and probable cause, the complainant shall be liable to pay to the Board of Trade all such costs and compensation as the Board incur or are liable to pay in respect of the detention and survey of the ship.

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Supplemen-
tal provi-
sions as to
detention of
ship.
17 & 18 Vict.
c. 104. s. 14.

11. (1.) A detaining officer shall have for the purpose of his duties under this Act the same powers as an inspector appointed by the Board of Trade under the Merchant Shipping Act, 1854.

20

(2.) A copy of an order for the detention of a ship, provisional or final, and of any order varying the same, shall be served as soon as may be on the owner or master of the ship, and any such copy and a copy of any report or other document for the purposes of this Act may be served on the master of the ship in manner provided by section five hundred and twenty-two of the Merchant Shipping Act, 1854.

25

(3.) When a ship has been detained under this Act she shall not be released by reason of her British register being closed.

(4.) For the purposes of a survey of a ship under this Act any person authorised to make the same may go on board the ship and inspect the same and every part thereof, and the machinery, equipments, and cargo, and may require the unloading or removal of any cargo, ballast, or tackle.

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17 & 18 Vict.
c. 104. s. 16.

(5.) The provisions of the Merchant Shipping Act, 1854, with respect to persons who wilfully impede an inspector, or disobey a requisition or order of an inspector, shall apply as if those provisions were herein enacted, with the substitution for the inspector of any judge, assessor, officer, or surveyor who under this Act has the same powers as an inspector or has authority to survey a ship.

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Appeal on Survey of Passenger Steamer and Emigrant Ship.

A.D. 1876.

12. Whereas by section three hundred and nine of the Merchant Shipping Act, 1854, and enactments amending the same, the owner of a passenger steamer as defined in that Act is required to cause
 5 the same to be surveyed by a shipwright surveyor and an engineer surveyor, and those surveyors are required to give declarations of certain particulars with respect to the sufficiency or conformity with the Act of the ship and equipments, and to the limits beyond which the ship is not fit to ply, and to the number of passengers which the
 10 ship is fit to carry, and of other particulars in the said section mentioned, and the Board of Trade, under section three hundred and twelve of the same Act, issue a certificate upon such declarations, and the passenger steamer cannot lawfully proceed to sea without obtaining such certificate ;
- 15 And whereas under sections eleven and fifty of the Passengers Act, 1855, and the enactments amending the same, a passenger ship within the meaning of those Acts (herein-after referred to as an emigrant ship) cannot lawfully proceed to sea without a certificate of clearance from an emigration officer, or other officer in those
 20 sections mentioned, showing that all the requirements of the said Acts have been complied with, and that the ship is in the officer's opinion seaworthy, and that the passengers and crew are in a fit state to proceed to sea, and otherwise as therein mentioned ;
- And whereas it is expedient to give in the said cases such appeal
 25 as herein-after mentioned : Be it therefore enacted that—
- If a shipowner feels aggrieved
- (1.) by a declaration of a shipwright surveyor or an engineer surveyor respecting a passenger steamer under the above recited enactments, or by the refusal of a surveyor
 30 to give the said declaration ; or
- (2.) by the refusal of a certificate of clearance for an emigrant ship under the above-recited enactments,
- the owner may appeal in the prescribed manner to the court of survey for the port or district where the ship for the time being is.
- 35 On such appeal the judge of the court of survey shall report to the Board of Trade on the question raised by the appeal, and the Board of Trade, if satisfied that the requirements of the report and the other provisions of the said enactments have been complied with, may, in the case of a passenger steamer give their certificate
 40 under section three hundred and twelve of the Merchant Shipping Act, 1854, and in the case of an emigrant ship give, or direct the emigration or other officer to give, a certificate of clearance under the above-mentioned enactments.

Appeal to court of survey on survey of passenger steamer or emigrant ship.
 17 & 18 Vict. c. 104.
 ss. 303, 309, 312.
 25 & 26 Vict. c. 63. s. 12.

18 & 19 Vict. c. 119. ss. 11, 50.
 26 & 27 Vict. c. 51. ss. 3, 13.

A.D. 1876. Subject to any order made by the judge of the court of survey, the costs of and incidental to an appeal under this section shall follow the event.

Subject as aforesaid, the provisions of this Act with respect to the court of survey and appeals thereto, so far as consistent with the tenour thereof, shall apply to the court of survey when acting under this section, and to appeals under this section.

Reference in difficult cases to scientific persons.

13. If the Board of Trade are of opinion that an appeal under this section involves a question of scientific difficulty or important principle, they may refer the matter to such one or more out of a list of scientific referees from time to time approved by a Secretary of State, as may appear to them to possess the special qualifications necessary for the particular case, and thereupon the appeal shall be determined by the referee or referees, instead of by the court of survey.

The Board of Trade, if the appellant in any appeal so require and give security to the satisfaction of the Board to pay the costs of and incidental to the reference, shall refer that appeal to a referee or referees so selected as aforesaid.

The referee or referees shall have the same powers as a judge of the court of survey.

Grain Cargoes.

Stowage of cargo of grain, &c. 38 & 39 Vict. c. 88. s. 3.

14. No cargo of which more than one third consists of any kind of grain, corn, rice, paddy, pulse, seeds, nuts, or nut kernels shall be carried on board any British ship, unless such grain, corn, rice, paddy, pulse, seeds, nuts, or nut kernels be contained in bags, sacks, or barrels, or secured from shifting by boards, bulkheads, or otherwise.

If the master of any British ship knowingly allows any cargo or part of a cargo to be shipped therein for carriage contrary to the provisions of this section, he shall for every such offence incur a penalty not exceeding if he is convicted on summary conviction *one hundred pounds*, and if he is convicted on indictment *five hundred pounds*.

Deck Cargoes.

Space occupied by certain deck cargo to be liable to dues.

15. If any ship, British or foreign, trading beyond the limits of the United Kingdom and Isle of Man, carries as deck cargo, that is to say, in any uncovered space upon deck, or in any covered space not included in the cubical contents forming the ship's registered tonnage, timber, stores, or other goods (not being exempted goods herein-after mentioned), all dues payable on the ship's tonnage at

the commencement, during the progress, or at the conclusion of her voyage shall be payable as if there were added to the ship's registered tonnage the tonnage of the space occupied by such goods. A.D. 1876.

The space so occupied shall be deemed,—

5 (1.) If the goods are carried in a covered-in space, to be the whole of that space; and

(2.) If the goods are not carried in a covered-in space, to be the space limited by the area occupied by the goods and by straight lines inclosing a rectangular space sufficient to
10 include the goods.

The tonnage of such space shall be ascertained by an officer of the Board of Trade or of customs, in manner directed by sub-section four of section twenty-one of the Merchant Shipping Act, 1854, and when so ascertained shall be entered by him in the ship's official
15 log book. 17 & 18 Vict.
c. 104. s. 21.

Exempted goods are animals, fresh fish, fresh meat, vegetables, passengers' luggage, empty packing cases, dangerous goods subject to the provisions of the Merchant Shipping Act, 1873, and such other goods as may be declared by general orders of the Board
20 of Trade to be such as can be only carried on deck, or can be carried on deck more safely than below. 36 & 37 Vict.
c. 85. s. 23.

16. If any British foreign-going ship proceeding to sea from any port carries as deck cargo timber, stores, or other goods whatever, the master of the ship shall make an entry (which shall be receivable in evidence) in the appropriate place in the ship's official log book, showing the weight, bulk, and description of all the deck cargo on board the ship at the time of her proceeding to sea, and shall forthwith deliver or send a copy of the entry (in a form provided by the Board of Trade):— Entry of
deck cargo
in official
log.

30 (1.) If the port is in the United Kingdom, to the principal officer of customs at the port; and

(2.) If the port is in a British possession, to the principal officer of customs at the port or other officer appointed by the governor of that possession for the purpose; and

35 (3.) If the port is a foreign port, to the British consular officer at the port.

Any master who makes default in complying with the provisions of this section shall incur a penalty not exceeding twenty pounds.

Any person who makes any false entry in the official log book of
40 a ship in reference to deck cargo, shall be guilty of a misdemeanor.

A.D. 1876.

Deck and Load-lines.

Marking of
deck-lines.
38 & 39 Vict.
c. 88. s. 5.

17. Every British ship (except ships employed solely in the coasting trade or in fishing, and pleasure yachts) shall be permanently and conspicuously marked with lines of not less than twelve inches in length and one inch in breadth, painted longitudinally on each side amidships, or as near thereto as is practicable, and indicating the position of each deck which is above water. 5

The upper edge of each of these lines shall be level with the upper side of the deck plank next the waterway at the place of marking. 10

The lines shall be white or yellow on a dark ground, or black on a light ground.

Marking of
load-line.
38 & 39 Vict.
c. 88. s. 6.

18. With respect to the marking of a load-line on British ships the following provisions shall have effect :

- (1.) The owner of every British ship (except ships employed solely in the coasting trade or in fishing, and pleasure yachts) shall, before entering his ship outwards from any port in the United Kingdom upon any voyage for which he is required so to enter her, or, if that is not practicable, as soon after as may be, mark upon each of her sides amidships, or as near thereto as is practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc, twelve inches in diameter, with a horizontal line eighteen inches in length, drawn through its centre : 15
- (2.) The centre of this disc shall indicate the maximum load-line in salt water to which the owner intends to load the ship for that voyage : 25
- (3.) He shall also, upon so entering her, insert in the form of entry delivered to the collector or other principal officer of customs a statement in writing of the distance in feet and inches between the centre of this disc and the upper edge of each of the lines indicating the position of the ship's decks which is above that centre : 30
- (4.) If default is made in delivering this statement in the case of any ship, any officer of customs may refuse to enter the ship outwards : 35
- (5.) The master of the ship shall enter a copy of this statement in the agreement with the crew before it is signed by any member of the crew, and no superintendent of any mercantile marine office shall proceed with the engagement of the crew until this entry is made : 40

(6.) The master of the ship shall also enter a copy of this statement in the official log book : A.D. 1876.

(7.) When a ship has been marked as by this section required, she shall be kept so marked until her next return to a port of discharge in the United Kingdom.

5

19. Any owner or master of a British ship who neglects to cause his ship to be marked as by this Act required, or to keep her so marked, and any person who conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate, any of the said marks, except in the event of the particulars thereby denoted being lawfully altered, or except for the purpose of escaping capture by an enemy, shall for each offence incur a penalty not exceeding *one hundred pounds*.

15 If any of the marks required by this Act is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall incur a penalty not exceeding one hundred pounds.

Investigations into Shipping Casualties.

20 20. For the purpose of rendering investigations into shipping casualties more speedy and effectual it shall be lawful for the Lord Chancellor of Great Britain to appoint from time to time some fit person or persons to be wreck commissioners, so that there shall not be more than three such commissioners at any one time.

It shall be lawful for the Lord Chancellor to remove any wreck commissioner for inability or misbehaviour or other sufficient cause.

It shall be the duty of a wreck commissioner, at the request of the Board of Trade, to hold any formal investigation into a loss, abandonment, damage, or casualty (in this Act called a shipping casualty) under the eighth part of the Merchant Shipping Act, 1854, and for that purpose he shall have the same jurisdiction and powers as are thereby conferred on two justices, and all the provisions of the Merchant Shipping Acts, 1854 to 1876, with respect to investigations conducted under the eighth part of the Merchant Shipping Act, 1854, shall apply to investigations held by a wreck commissioner.

21. The wreck commissioner, justices, or other authority holding a formal investigation into a shipping casualty shall hold the same with the assistance of an assessor or assessors of nautical engineering or other special skill or knowledge, to be appointed by the commissioners, justices, or authority out of a list of persons for the time being approved for the purpose by a Secretary of State.

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Penalty for offences in relation to marks on ships.
38 & 39 Vict.
c. 88. s. 7.

Appointment, duties, and powers of wreck commissioners for investigating shipping casualties.
See

17 & 18 Vict.
c. 104. s. 433.

Assessors and rules of procedure on formal investigations into shipping casualties.
See
17 & 18 Vict.
c. 104, s. 434.

A.D. 1876. Each assessor shall either sign the report made on the investigation, or report to the Board of Trade his reasons for his dissent therefrom.

The Lord Chancellor of Great Britain may from time to time, with the consent of the Treasury so far as relates to fees, make, and when made revoke, alter, and add to general rules for carrying into effect the enactments relating to formal investigations into shipping casualties, and in particular with respect to the summoning of assessors, the procedure, the parties the persons allowed to appear, the notice to such parties and persons, or to persons affected, and the amount and application of fees.

All such rules, while in force, shall have effect as if enacted in this Act.

Every formal investigation into a shipping casualty shall be conducted in such manner that if a charge is made against any person that person shall have an opportunity of making a defence.

Power for wreck commissioner to institute examination with respect to ships in distress under 17 & 18 Vict. c. 104. s. 448.

22. A wreck commissioner may at the request of the Board of Trade institute the same examination as a receiver of wreck under section four hundred and forty-eight of the Merchant Shipping Act, 1854, and shall for that purpose have the powers by that section conferred on a receiver of wreck.

Power to hold inquiries or formal investigations as to stranded and missing ships. See 17 & 18 Vict. c. 104. s. 432.

23. In the following cases :—

(1.) Whenever any ship on or near the coasts of the United Kingdom or any British ship elsewhere has been stranded or damaged, and any witness is found at any place in the United Kingdom, or

(2.) Whenever a British ship has been lost or is supposed to have been lost, and any evidence can be obtained in the United Kingdom as to the circumstances under which she proceeded to sea or was last heard of,

the Board of Trade (without prejudice to any other powers) may, if they think fit, cause an inquiry to be made or formal investigation to be held, and all the provisions of the Merchant Shipping Acts, 1854 to 1876, shall apply to any such inquiry or investigation as if it had been made or held under the eighth part of the Merchant Shipping Act, 1854.

Training Ships.

Contribution from Mercantile Marine Fund to training ships.

24. Whenever it appears to the Board of Trade that the receipts of the Mercantile Marine Fund, on the account of fees paid to that fund for the engagement and discharge of seamen exceed the sums paid out of that fund for the expenses of mercantile marine

offices, the Board of Trade may to the extent of that excess, A.D. 1876.
 contribute to the managers of any school ship or other institution
 for training boys to the sea service such sum and upon such conditions
 as the Board of Trade think fit, for boys educated therein who
 5 obtain employment in British ships, and are in physical capacity,
 age, character, and acquirements qualified to serve in the merchant
 service and Royal Naval Reserve.

Certificates of Health.

25. Every notice given by the owner or master of a ship in a
 10 mercantile marine office, of his intention to engage a crew, shall
 specify whether he intends to apply to have his crew reported by
 a medical inspector of seamen, in pursuance of section ten of the
 Merchant Shipping Act, 1867, as in a fit state for duty at sea; and
 every agreement with a crew of any ship shall specify whether such
 15 report has or has not been made with respect to each member of the
 crew.

Expenses
 incurred for
 seamen
 left abroad
 who have
 been engaged
 without cer-
 tificates of
 health.
 See
 30 & 31 Vict.
 c. 124. s. 10.

Where any such report has not been made with respect to any
 seaman and such seaman is left behind sick, whether discharged
 or not, at any place out of the United Kingdom, all expenses which
 20 are paid out of moneys provided by Parliament for his medical
 treatment, subsistence, necessary clothing, conveyance home, and
 burial (in case he dies before reaching home) shall be a charge
 on the ship, and may be recovered as a debt to Her Majesty from
 the master of the ship, or from the owner of the ship for the time
 25 being, in the same manner as the like expenses may be recovered
 under section two hundred and thirteen of the Merchant Shipping
 Act, 1854. *

17 & 18 Vict.
 c. 104. s. 213.

Miscellaneous.

26. Where under the Merchant Shipping Acts, 1854 to 1876, or
 30 any of them, a ship is authorised or ordered to be detained, any
 commissioned officer on full pay in the naval or military service of
 Her Majesty, or any officer of the Board of Trade or customs,
 or any British consular officer may detain the ship, and if the
 ship after such detention or after service on the master of any
 35 notice of or order for such detention proceeds to sea before it is
 released by competent authority, the ship shall be liable to be for-
 feited to Her Majesty, and the master thereof shall be guilty of a
 misdemeanor.

Enforcing
 detention of
 ship.
 See
 17 & 18 Vict.
 c. 104. s. 103.

Where a ship so proceeding to sea takes to sea when on board
 40 thereof in the execution of his duty any officer authorised to detain
 the ship, or any surveyor or officer of the Board of Trade, or

A.D. 1876. customs, the owner and master of the ship shall be liable to pay to every officer and surveyor so taken to sea all expenses of and incidental to his being so taken to sea, and also compensation at the rate of *ten pounds* for every day until the officer or surveyor returns, and such expenses and compensation shall, without pre- 5
judice to any other remedy, be recoverable as salvage is recoverable.

The forfeiture of a ship under this section may be enforced and the ship liable to be forfeited under this section may be dealt with in like manner as if it were forfeited under the Acts for the time being in force relating to the customs. 10

Any person who obstructs the service of any notice or order for detention on the master of a ship shall incur a penalty not exceeding *ten pounds*, and if the owner or master of the ship is party or privy to such obstruction he shall be guilty of a misdemeanor.

Ship's
managing
owner or
manager to
be registered.

27. The name of the managing owner for the time being of every 15
British ship registered at any port or place in the United Kingdom shall be registered at the custom house of the ship's port of registry.

Where there is not a managing owner, there shall be so registered the name of the ship's husband or other person to whom the management of the ship is entrusted by or on behalf of the owner, 20
and any person whose name is so registered shall for the purposes of the Merchant Shipping Acts, 1854 to 1876, be under the same obligation and subject to the same liabilities as if he were the managing owner.

If default is made in complying with this section the ship may 25
be detained until compliance.

Fees, salaries,
and costs.

28. On and after the *first day of January one thousand eight hun-
dred and seventy-seven* all fees payable in respect of the survey or
measurement of ships under the Merchant Shipping Acts, 1854 to
1876, or in respect of any services performed by any person 30
employed under the authority of the Passengers Act, 1855, shall
continue to be paid to the superintendent of a mercantile marine
office at such times and in such manner as the Board of Trade from
time to time direct, but shall be paid into the receipt of Her
Majesty's Exchequer in such manner as the Treasury from time 35
to time direct, and shall be carried to and form part of the
Consolidated Fund of the United Kingdom.

*On and after the same day the salaries of all surveyors appointed
under the Merchant Shipping Acts, 1854 to 1876, and so much of
the expenses connected with the survey and measurement of ships 40
under those Acts, and of the salaries and expenses of persons
employed under the Passengers Act, 1855, as has heretofore been*

paid out of the Mercantile Marine Fund, shall be paid out of moneys provided by Parliament, and the Treasury shall have the like control over such salaries and expenses as has heretofore been vested in the Board of Trade. A.D. 1876. —

5 *There may be paid out of moneys provided by Parliament, to any wreck commissioner, judge of a court of survey, assessor, registrar of a court of survey, detaining officer, scientific referee, and other officer or person appointed under this Act, such salary or remuneration (if any) as the Treasury from time to time direct.*

10 *There may be paid out of moneys provided by Parliament all costs and compensation payable by the Board of Trade in pursuance of this Act.*

29. For the purpose of punishment, jurisdiction, and legal proceedings an offence under this Act shall be deemed to be an offence under the Merchant Shipping Act, 1854. Legal proceedings in case of offences.

30. In the application of this Act to Scotland,

“Judge of a county court” shall be deemed to include a sheriff and sheriff substitute, and

20 “Registrar of a county court” shall be deemed to include sheriff clerk, and

“A master of the Supreme Court of Judicature” shall mean the Queen’s and Lord Treasurer’s Remembrancer.

31. In the application of this Act to Ireland,—

25 “Judge of a county court” shall be deemed to include “chairman of a county,” and

“Stipendiary magistrate” shall be deemed to include any of the justices of the peace in Dublin metropolis and any resident magistrate, and

30 “A Master of the Supreme Court of Judicature” shall mean one of the masters of the Court of Queen’s Bench.

Application of Act to Scotland.

Application of Act to Ireland.

Repeal.

32. On and from the passing of this Act the Acts specified in the first part of the schedule hereto, and on and from the first day of January one thousand eight hundred and seventy-seven, the Acts specified in the second part of the schedule hereto shall be repealed to the extent in the third column of that schedule mentioned: Provided that any officer appointed in pursuance of any such enactment shall be deemed to have been appointed under this Act, and this repeal shall not affect—

40 (1.) Any thing done or suffered made under any enactment hereby repealed; nor

Repeal of Acts.

A.D. 1876.
—

- (2.) Any right, power, duty, obligation, or liability acquired, imposed, accrued, or incurred under any enactment hereby repealed; nor
- (3.) Any penalty or punishment incurred in respect of any offence against any enactment hereby repealed; nor 5
- (4.) Any legal proceeding in respect of any such right, duty, obligation, liability, penalty, or punishment, and any such legal proceeding may be carried on as if this Act had not passed.

SCHEDULE.

A.D. 1876.

PART I.

ENACTMENTS REPEALED FROM PASSING OF ACT.

Session and Chapter.	Title.	Extent of repeal.
5 17 & 18 Vict. c. 104 -	The Merchant Shipping Act, 1854 -	Section four hundred and thirty-four, and section four hundred and thirty-seven from "and in case he so requires" inclusive to the end of section.
10 34 & 35 Vict. c. 110 -	The Merchant Shipping Act, 1871 -	Section eleven.
15 36 & 37 Vict. c. 85 -	The Merchant Shipping Act, 1873 -	Sections twelve, thirteen, and fourteen.
15 38 & 39 Vict. c. 88 -	The Merchant Shipping Act, 1875 -	The whole Act.

PART II.

ENACTMENTS REPEALED FROM 1ST JANUARY 1877.

Session and Chapter.	Title.	Extent of repeal.
20 17 & 18 Vict. c. 104 -	The Merchant Shipping Act, 1854 -	Sub-section (2) of section four hundred and eighteen.
35 & 36 Vict. c. 73 -	The Merchant Shipping Act, 1872 -	Section fourteen.

Merchant Shipping.

A

B I L L

To amend the Merchant Shipping Acts.

(Prepared and brought in by
Sir Charles Adderley and Mr. Edward Stanhope.)

Ordered, by The House of Commons, to be Printed
10 February 1876.

[Bill 49.]

Under 3 oz.

[To be substituted for Bill
previously delivered.]

Merchant Shipping Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.

1. Short title.
2. Construction of Act.
3. Commencement of Act.

Unseaworthy Ships.

4. Sending unseaworthy ship to sea a misdemeanor.
5. Obligation of shipowner to crew with respect to use of reasonable efforts to secure seaworthiness.
6. Power to detain unsafe ships and procedure for such detention.

Appeals.

7. Constitution of court of survey for appeals.
8. Power and procedure of court of survey.
9. Rules for procedure of court of survey, &c.
10. Liability of Board of Trade and shipowner for costs and damages.
11. Power to require from complainant security for costs.
12. Supplemental provisions as to detention of ship.
13. Appeal to court of survey on survey of passenger steamer or emigrant ship.
14. Reference in difficult cases to scientific persons.
15. Exemption of certain steamers from passenger certificates.
16. Colonial certificates for passenger ships.
17. Passenger certificate by Board of Trade to render a second survey under Passengers Acts unnecessary.

Grain Cargoes.

18. Stowage of cargo of grain, &c.

[Bill 144.] +

a

Deck Cargoes.

Clause.

19. Space occupied by certain deck cargo to be liable to dues.
20. Penalty on ships carrying deck loads of timber in winter.

Deck and Load-lines.

21. Marking of deck-lines.
22. Marking of load-line.
23. Penalty for offences in relation to marks on ships.

Foreign Ships, Overloading.

24. Application to foreign ships of provisions as to detention.

Investigations into Shipping Casualties.

25. Appointment, duties, and powers of wreck commissioners for investigating shipping casualties.
26. Assessors and rules of procedure on formal investigations into shipping casualties.
27. Power for wreck commissioner to institute examination with respect to ships in distress under 17 & 18 Vict. c. 104. s. 448.
28. Power to hold inquiries or formal investigations as to stranded and missing ships.
29. Place of investigation.

Miscellaneous.

30. Enforcing detention of ship.
31. Ship's managing owner or manager to be registered.
32. Power for Her Majesty by Order in Council to apply certain provisions of Merchant Shipping Acts to foreign ships.
33. Fees, salaries, and costs.
34. Legal proceedings in case of offences.
35. Application of Act to Scotland.
36. Application of Act to Ireland.
37. Application of Act to Isle of Man.

Repeal.

38. Repeal of Acts.

SCHEDULE.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Merchant Shipping Acts.

A.D. 1876.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5

Preliminary.

1. This Act may be cited as the Merchant Shipping Act, 1876. Short title.

2. This Act shall be construed as one with the Merchant Shipping Act, 1854, and the Acts amending the same; and the said Acts and this Act may be cited collectively as the Merchant Shipping Acts, 1854 to 1876. Construction of Act.

3. This Act shall come into operation on the first day of October 1876 (which day is in this Act referred to as the commencement of this Act). Commencement of Act.

Unseaworthy Ships.

4. Every person who sends or attempts to send, or is party to sending or attempting to send a British ship to sea in such unseaworthy state that the life of any person is likely to be thereby endangered, and the managing owner of any British ship so sent to sea from any port in the United Kingdom, shall be guilty of a misdemeanor, unless he proves that he used all reasonable means to ensure her being sent to sea in a seaworthy state, or that her going to sea in such unseaworthy state was, under the circumstances, reasonable and justifiable; and, for the purpose of giving such proof, he may give evidence in the same manner as any other witness. Sending unseaworthy ship to sea a misdemeanor. 34 & 35 Vict. c. 110. s. 11. 38 & 39 Vict. c. 88. s. 4.

Every master of a British ship who knowingly takes the same to sea in such unseaworthy state that the life of any person is likely to be thereby endangered shall be guilty of a misdemeanor,

[Bill 144.]—

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A.D. 1876. unless he proves that her going to sea in such unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purpose of giving such proof he may give evidence in the same manner as any other witness.

A prosecution under this section shall not be instituted except by 5 or with the consent of the Board of Trade.

A misdemeanor under this section shall not be punishable upon summary conviction.

Obligation of shipowner to crew with respect to use of reasonable efforts to secure seaworthiness. See 38 & 39 Vict. c. 88. s. 9.

5. In every contract of service, express or implied, between the owner of a ship and the master or any seaman thereof, and in every 10 instrument of apprenticeship whereby any person is bound to serve as an apprentice on board any ship, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the owner of the ship, that the owner of the ship, and the master, and every agent charged with the loading of the ship, or the preparing 15 thereof for sea, or the sending thereof to sea, shall use all reasonable means to insure the seaworthiness of the ship for the voyage at the time when the voyage commences, and to keep her in a seaworthy condition for the voyage during the same: Provided, that nothing in this section shall subject the owner of a ship to any 20 liability by reason of the ship being sent to sea in an unseaworthy state where, owing to special circumstances, the so sending thereof to sea is reasonable and justifiable.

Power to detain unsafe ships and procedure for such detention. See 36 & 37 Vict. c. 85. s. 12.

6. Where a British ship is, by reason of the defective condition of her hull, equipments, or machinery, or by reason of overloading 25 or improper loading, unfit to proceed to sea without serious danger to human life, having regard to the nature of the service for which she is intended, any such ship (herein-after referred to as "unsafe") may be provisionally detained for the purpose of being surveyed, and either finally detained or released, as follows : 30

- (1.) The Board of Trade, if they have reason to believe on complaint, or otherwise, that a British ship is unsafe, may provisionally order the detention of the ship for the purpose of being surveyed.
- (2.) When a ship has been provisionally detained the Board of 35 Trade may, if they think fit, appoint some competent person or persons to survey the ship and report thereon to the Board.
- (3.) The Board of Trade on receiving the report may either order the ship to be released or, if in their opinion the ship is 40 unsafe, may order her to be finally detained, either absolutely, or until the performance of such conditions

with respect to the execution of repairs or alterations, or the unloading or reloading of cargo, as the Board think necessary for the protection of human life, and may from time to time vary or add to any such order. A.D. 1876.

5 (4.) Before the order for final detention is made a copy of the report shall be served upon the master of the ship, and within seven days after such service the owner or master of the ship may appeal in the prescribed manner to the court of survey (herein-after mentioned) for the port or district
10 where the ship is detained.

(5.) Where a ship has been provisionally detained on the ground that she is unsafe by reason of over-loading, the owner or master of the ship may, within three days after the service of the order on the master, appeal in the prescribed
15 manner to the court of survey for the port or district where the ship is detained.

(6.) Where a ship has been provisionally detained, the owner or master of the ship may require that the person appointed by the Board of Trade to survey the ship shall be accompanied by such person as the owner or master may select out of the list of assessors for the court of survey (nominated as herein-after mentioned), and in such case if the surveyor and assessor agree, the Board of Trade shall cause the ship to be detained or released accordingly, but if they
20 differ, the Board of Trade may act as if the requisition had not been made, and the owner and master shall have the like appeal touching the report of the surveyor, as is before provided by this section.

(7.) Where a ship has been provisionally detained, the Board of Trade may, at any time, if they think it expedient, refer the matter to the court of survey for the port or district where the ship is detained.

(8.) The Board of Trade may at any time, if satisfied that a ship detained under this Act is not unsafe, order her to be released either upon or without any conditions.

(9.) For the better execution of this section, the Board of Trade may from time to time appoint a sufficient number of fit officers, and may remove any of them. See 38 & 39
Vict. c. 88.
s. 1.

(10.) Any officer so appointed (in this Act referred to as a detaining officer) shall have the same power as the Board of Trade have under this section of provisionally ordering the detention of a ship for the purpose of being surveyed, and of appointing a person or persons to survey her; and if he

A.D. 1876.

thinks that a ship so detained by him is not unsafe may order her to be released.

- (11.) A detaining officer shall forthwith report to the Board of Trade any order made by him for the detention or release of a ship.

Appeals.

5

Constitution
of court of
survey for
appeals.
See 36 & 37
Vict. c. 85.
s. 14.

7. A court of survey for a port or district shall consist of a judge sitting with two assessors.

The judge shall be such person as may be summoned for the case in accordance with the rules made under this Act out of a list (from time to time approved for the port or district by one of Her Majesty's principal Secretaries of State, in this Act referred to as a Secretary of State,) of wreck commissioners appointed under this Act, stipendiary or metropolitan police magistrates, judges of county courts, and other fit persons; but in any special case in which the Board of Trade think it expedient to appoint a wreck commissioner, the judge shall be such wreck commissioner. 10 15

The assessors shall be persons of nautical engineering or other special skill and experience; one of them shall be appointed by the Board of Trade, either generally or in each case, and the other shall be summoned in accordance with the rules under this Act by the registrar of the court, out of a list of persons periodically nominated for the purpose by the local marine board of the port, or, if there is no such board, by a body of local shipowners or merchants approved for the purpose by a Secretary of State, or, if there is no such list, shall be appointed by the judge. 20 25

Such county court registrar or other fit person as a Secretary of State may from time to time appoint shall be the registrar of the court, and shall, on receiving notice of an appeal or a reference from the Board of Trade, immediately summon the court in the prescribed manner to meet forthwith. 30

The name of the registrar and his office, together with the rules made under this Act relating to the court of survey, shall be published in the prescribed manner.

Power and
procedure of
court of
survey.

8. With respect to the court of survey the following provisions shall have effect: 35

- (1.) The case shall be heard in open court;
- (2.) The judge and each assessor may survey the ship, and shall have for the purposes of this Act all the powers of an inspector appointed by the Board of Trade under the Merchant Shipping Act, 1854;
- (3.) The judge may appoint any competent person or persons to survey the ship and report thereon to the court; 40

17 & 18 Vict.
c. 104. s. 14.

(4.) The judge shall have the same power as the Board of Trade A.D. 1876.
have to order the ship to be released or finally detained,
but unless one of the assessors concurs in an order for the
detention of the ship, the ship shall be released ;

5 (5.) The owner and master of the ship and any person appointed
by the owner or master, and also any person appointed by
the Board of Trade, may attend at any inspection or
survey made in pursuance of this section ;

10 (6.) The judge shall send to the Board of Trade the prescribed
report and each assessor shall either sign the report or
report to the Board of Trade the reasons for his dissent.

9. The Lord Chancellor of Great Britain may from time to time, Rules for
(with the consent of the Treasury so far as relates to fees,) make, and procedure of
when made revoke, alter, and add to general rules to carry into effect court of
15 the provisions of this Act with respect to a court of survey, and in survey, &c.
particular with respect to the summoning of and procedure before
the court, the requiring security on an appeal for costs and damages,
the amount and application of fees, and the publication of the rules.

All such rules while in force shall have effect as if enacted in
20 this Act, and the expression "prescribed" in the provisions of this
Act relating to the detention of ships or court of survey means
prescribed by such rules.

10. If it appears that a ship provisionally detained was not, at the Liability of
time of such detention, unsafe within the meaning of this Act, the Board of
25 Board of Trade shall be liable to pay to the owner of the ship his Trade and
costs of and incidental to the detention and survey of the ship, and shipowner
also compensation for any loss or damage sustained by him by for costs and
reason of the detention or survey. damages,
See 36 & 37
Vict. c. 85.
s. 13.

If a ship is finally detained under this Act, or if it appears that
30 a ship provisionally detained was, at the time of such detention,
unsafe within the meaning of this Act, the owner of the ship shall be
liable to pay to the Board of Trade their costs of and incidental to the
detention and survey of the ship, and those costs shall without
prejudice to any other remedy, be recoverable as salvage is recover-
35 able.

For the purposes of this Act the costs of and incidental to any
proceeding before a court of survey, and a reasonable amount in
respect of the remuneration of the surveyor or officer of the Board
of Trade shall be deemed to be part of the costs of the detention and
40 survey of the ship, and any dispute as to the amount of costs under
this Act may be referred to one of the masters or registrars of the
Supreme Court of Judicature, who on request made to him for that

A.D. 1876. purpose by the Board of Trade shall ascertain and certify the proper amount of such costs.

See 38 & 39
Vict. c. 88.
s. 8.

An action for any costs or compensation payable by the Board of Trade under this section may be brought against the secretary thereof by his official title as if he were a corporation sole.

5

Power to
require from
complainant
security for
costs.

See 36 & 37
Vict. c. 85.
s. 13.
38 & 39 Vict.
c. 88. s. 2.

11. Where a complaint is made to the Board of Trade or a detaining officer that a British ship is unsafe, the Board or officer may, if they or he think fit, require the complainant to give security to the satisfaction of the Board for the costs and compensation which he may become liable to pay as herein-after mentioned.

10

Provided that where the complaint is made by one fourth, being not less than three, of the seamen belonging to the ship, and is not in the opinion of the Board or officer frivolous or vexatious, such security shall not be required, and the Board or officer shall, if the complaint is made in sufficient time before the sailing of the ship, take proper steps for ascertaining whether the ship ought to be detained under this Act.

15

Where a ship is detained in consequence of any complaint, and it appears that the complaint was made without reasonable and probable cause, the complainant shall be liable to pay to the Board of Trade all such costs and compensation as the Board incur or are liable to pay in respect of the detention and survey of the ship.

20

Supplemen-
tal provi-
sions as to
detention of
ship.
17 & 18 Vict.
c. 104. s. 14.

12. (1.) A detaining officer shall have for the purpose of his duties under this Act the same powers as an inspector appointed by the Board of Trade under the Merchant Shipping Act, 1854.

25

(2.) A copy of an order for the detention of a ship, provisional or final, and of any order varying the same, shall be served as soon as may be on the owner or master of the ship, and any such copy and a copy of any report or other document for the purposes of this Act may be served on the master of the ship in manner provided by section five hundred and twenty-two of the Merchant Shipping Act, 1854.

30

(3.) When a ship has been detained under this Act she shall not be released by reason of her British register being subsequently closed.

35

(4.) For the purposes of a survey of a ship under this Act any person authorised to make the same may go on board the ship and inspect the same and every part thereof, and the machinery, equipments, and cargo, and may require the unloading or removal of any cargo, ballast, or tackle.

40

(5.) The provisions of the Merchant Shipping Act, 1854, with respect to persons who wilfully impede an inspector, or

17 & 18 Vict.
c. 104. s. 16.

disobey a requisition or order of an inspector, shall apply as if those provisions were herein enacted, with the substitution for the inspector of any judge, assessor, officer, or surveyor who under this Act has the same powers as an inspector or has authority to survey a ship.

A.D. 1876.

13. Whereas by section three hundred and nine of the Merchant Shipping Act, 1854, and enactments amending the same, the owner of a passenger steamer as defined in that Act is required to cause the same to be surveyed by a shipwright surveyor and an engineer surveyor, and those surveyors are required to give declarations of certain particulars with respect to the sufficiency or conformity with the Act of the ship and equipments, and to the limits beyond which the ship is not fit to ply, and to the number of passengers which the ship is fit to carry, and of other particulars in the said section mentioned, and the Board of Trade, under section three hundred and twelve of the same Act, issue a certificate upon such declarations, and the passenger steamer cannot lawfully proceed to sea without obtaining such certificate ;

Appeal to court of survey on survey of passenger steamer or emigrant ship.
17 & 18 Vict. c. 104.
ss. 303, 309, 312.
25 & 26 Vict. c. 63. s. 12.

And whereas under sections eleven and fifty of the Passengers Act, 1855, and the enactments amending the same, a passenger ship within the meaning of those Acts (herein-after referred to as an emigrant ship) cannot lawfully proceed to sea without a certificate of clearance from an emigration officer, or other officer in those sections mentioned, showing that all the requirements of the said Acts have been complied with, and that the ship is in the officer's opinion seaworthy, and that the passengers and crew are in a fit state to proceed to sea, and otherwise as therein mentioned ;

18 & 19 Vict. c. 119. ss. 11, 50.
26 & 27 Vict. c. 51. ss. 3, 13.

And whereas by section thirty of "The Merchant Shipping Act Amendment Act, 1862," provision is made for preventing a ship from proceeding to sea in certain cases without a certificate from a surveyor or person appointed by the Board of Trade to the effect that the ship is properly provided with lights, and with the means of making fog signals ;

And whereas it is expedient to give in the said cases such appeal as herein-after mentioned : Be it therefore enacted that—

If a shipowner feels aggrieved

(1.) by a declaration of a shipwright surveyor or an engineer surveyor respecting a passenger steamer under the above recited enactments, or by the refusal of a surveyor to give the said declaration ; or

[144.]

A 4

A.D. 1876.

- (2.) by the refusal of a certificate of clearance for an emigrant ship under the above-recited enactments; or
 (3.) by the refusal of a certificate as to lights or fog signals under the above-recited enactment,

the owner may appeal in the prescribed manner to the court of survey for the port or district where the ship for the time being is. 5

On such appeal the judge of the court of survey shall report to the Board of Trade on the question raised by the appeal, and the Board of Trade, when satisfied that the requirements of the report and the other provisions of the said enactments have been complied 10 with, may, in the case of a passenger steamer give their certificate under section three hundred and twelve of the Merchant Shipping Act, 1854, and in the case of an emigrant ship give, or direct the emigration or other officer to give, a certificate of clearance under the above-mentioned enactments, and, in the case of a refusal of a 15 certificate as to lights or fog signals, may give or direct a surveyor or other person appointed by them to give a certificate under section thirty of "The Merchant Shipping Act Amendment Act, 1862."

Subject to any order made by the judge of the court of survey, the costs of and incidental to an appeal under this section shall 20 follow the event.

Subject as aforesaid, the provisions of this Act with respect to the court of survey and appeals thereto, so far as consistent with the tenour thereof, shall apply to the court of survey when acting under this section, and to appeals under this section. 25

Reference in
difficult cases
to scientific
persons.

14. If the Board of Trade are of opinion that an appeal under this Act involves a question of construction or design or of scientific difficulty or important principle, they may refer the matter to such one or more out of a list of scientific referees from time to time approved by a Secretary of State, as may appear to possess 30 the special qualifications necessary for the particular case, and may be selected by agreement between the Board of Trade and the appellant, or in default of any such agreement by a Secretary of State, and thereupon the appeal shall be determined by the referee or referees, instead of by the court of survey. 35

The Board of Trade, if the appellant in any appeal so require and give security to the satisfaction of the Board to pay the costs of and incidental to the reference, shall refer that appeal to a referee or referees so selected as aforesaid.

The referee or referees shall have the same powers as a judge of 40 the court of survey.

15. Any steamship may carry passengers not exceeding twelve in number although she has not been surveyed by the Board of Trade as a passenger ship, and does not carry a Board of Trade certificate as provided by the Merchant Shipping Act of 1854 with respect to
 5 passenger steamers.

A.D. 1876.

Exemption
of certain
steamers
from pas-
senger
certificates.

Colonial
certificates
for passenger
ships.

16. Where the legislature of any British possession provides for the survey of and grant of certificates for passenger steamers, and the Board of Trade report to Her Majesty that they are satisfied that the certificates are to the like effect, and are granted after a
 10 like survey, and in such manner as to be equally efficient with the certificates granted for the same purpose in the United Kingdom under the Acts relating to Merchant Shipping, it shall be lawful for Her Majesty by Order in Council—

1. To declare that the said certificates shall be of the same force
 15 as if they had been granted under the said Acts; and
2. To declare that all or any of the provisions of the said Acts which relate to certificates granted for passenger steamers under those Acts shall, either without or with such modifica-
 20 tion as to Her Majesty may seem necessary, apply to the certificates referred to in the Order; and
3. To impose such conditions and to make such regulations with respect to the said certificates, and to the use, delivery, and cancellation thereof, as to Her Majesty may seem fit, and to impose penalties not exceeding fifty pounds for the breach
 25 of such conditions and regulations. Upon the publication in the "London Gazette" of any such Order in Council the provisions therein contained shall, after the date of the Order or any later date mentioned in the Order, take effect as if they had been contained in this Act. It shall be lawful for
 30 Her Majesty in Council to revoke, alter, or add to any Order made under this section.

17. In every case where a passenger certificate has been granted to any steamer by the Board of Trade under the provisions of "The Merchant Shipping Act, 1854," and remains still in force, it shall
 35 not be requisite for the purposes of the employment of such steamer under the Passengers Acts that she shall be again surveyed in her hull and machinery in order to qualify her for service under the Passengers Act, 1855, and the Acts amending the same; but for the purposes of employment under those Acts such Board of Trade
 40 certificate shall be deemed to satisfy the requirements of the Passengers Acts with respect to such survey, and any further

Passenger
certificate by
Board of
Trade to
render a
second sur-
vey under
Passengers
Acts un-
necessary.

A.D. 1876. survey of the hull and machinery shall be dispensed with, and so long as a steamship is an emigrant ship that is a passenger ship within the meaning of the Passengers Act, 1855, and the Acts amending the same, and the provisions contained in the said Passengers Acts as to the survey of her hull, machinery, and 5 equipments have been complied with, she shall not be subject to the provisions of "The Merchant Shipping Act, 1854," with respect to the survey of and certificate for passenger steamers, or to the enactments amending the same.

Grain Cargoes.

10

Stowage of
cargo of
grain, &c.
38 & 39 Vict.
c. 88. s. 3.

18. No cargo of which more than one third consists of any kind of grain, corn, rice, paddy, pulse, seeds, nuts, or nut kernels, hereinafter referred to as "grain cargo," shall be carried on board any British ship, unless such grain cargo be contained in bags, sacks, or barrels, or secured from shifting by boards, bulkheads, or 15 otherwise.

If the managing owner, agent, or master of any British ship knowingly allows any grain cargo or part of a grain cargo to be shipped therein for carriage contrary to the provisions of this section, he shall for every such offence incur a penalty not exceeding 20 three hundred pounds, to be recovered upon summary conviction.

Deck Cargoes.

Space oc-
cupied by
certain
deck cargo
to be liable
to dues.

19. If any ship, British or foreign, other than home trade ships as defined by the Merchant Shipping Act, 1854, carries as deck cargo, that is to say, in any uncovered space upon deck, or in any 25 covered space not included in the cubical contents forming the ship's registered tonnage, timber, stores, or other goods, all dues payable on the ship's tonnage at the commencement, during the progress, or at the conclusion of her voyage shall be payable as if there were added to the ship's registered tonnage the tonnage of the 30 space occupied by such goods.

The space so occupied shall be deemed to be the space limited by the area occupied by the goods and by straight lines inclosing a rectangular space sufficient to include the goods.

17 & 18 Vict.
c. 104. s. 21.

The tonnage of such space shall be ascertained by an officer of 35 the Board of Trade or of customs, in manner directed by sub-section four of section twenty-one of the Merchant Shipping Act, 1854, and when so ascertained shall be entered by him in the ship's official log book.

A.D. 1876.

Penalty on
ships car-
rying deck
loads of
timber in
winter.

20. From and after the first day of January one thousand eight hundred and seventy-seven, a ship, British or foreign, arriving at any port in the United Kingdom, which has sailed from any port beyond the limits of the United Kingdom after the first day of
5 October or before the sixteenth day of March in any year, shall not, while subject to British jurisdiction, carry upon or above any part of the upper deck of the ship not included within the limits of any permanently closed in space which is available for cargo, and included in the registered tonnage of such ship, any timber of any
10 description, nor shall she carry any deals or battens to a height exceeding three feet above the deck.

If any timber is carried by any ship in contravention of this section, the master of the ship and also the owner, if he is privy to the offence, shall be liable to a penalty not exceeding five pounds
15 for every hundred cubic feet of timber so carried, and such penalty, to an amount not exceeding one hundred pounds (whatever may be the maximum penalty recoverable), may be recovered on summary conviction.

Provided, that a master shall not be liable to any penalty under
20 this section in respect of any timber or spars which he has considered it necessary to place or keep on deck during the voyage on account of the springing of any leak, or of any other damage to the ship received or apprehended.

Provided also, that nothing in this clause shall affect any foreign
25 ship coming into any port of the United Kingdom under stress of weather, or for repairs, or for any other purpose than the delivery of her cargo.

Deck and Load-lines.

21. Every British ship (except ships under eighty tons register
30 employed solely in the coasting trade, ships employed solely in fishing, and all pleasure yachts) shall be permanently and conspicuously marked with lines of not less than twelve inches in length and one inch in breadth, painted longitudinally on each side amidships, or as near thereto as is practicable, and indicating the position of each
35 deck which is above water.

Marking of
deck-lines.
38 & 39 Vict.
c. 88. s. 5.

The upper edge of each of these lines shall be level with the upper side of the deck plank next the waterway at the place of marking.

The lines shall be white or yellow on a dark ground, or black on
40 a light ground.

A.D. 1876.

Marking of
load-line.
38 & 39 Vict.
c. 88. s. 6.

22. With respect to the marking of a load-line on British ships the following provisions shall have effect:

- (1.) The owner of every British ship (except ships under eighty tons register employed solely in the coasting trade or in fishing, and pleasure yachts) shall, before entering his ship outwards from any port in the United Kingdom upon any voyage for which he is required so to enter her, or, if that is not practicable, as soon after as may be, mark upon each of her sides amidships, or as near thereto as is practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc, twelve inches in diameter, with a horizontal line eighteen inches in length, drawn through its centre :
- (2.) The centre of this disc shall indicate the maximum load-line in salt water to which the owner intends to load the ship for that voyage :
- (3.) He shall also, upon so entering her, insert in the form of entry delivered to the collector or other principal officer of customs a statement in writing of the distance in feet and inches between the centre of this disc and the upper edge of each of the lines indicating the position of the ship's decks which is above that centre :
- (4.) If default is made in delivering this statement in the case of any ship, any officer of customs may refuse to enter the ship outwards :
- (5.) The master of the ship shall enter a copy of this statement in the agreement with the crew before it is signed by any member of the crew, and no superintendent of any mercantile marine office shall proceed with the engagement of the crew until this entry is made :
- (6.) The master of the ship shall also enter a copy of this statement in the official log book :
- (7.) When a ship has been marked as by this section required, she shall be kept so marked until her next return to a port of discharge in the United Kingdom.

Penalty for
offences in
relation to
marks on
ships.
38 & 39 Vict.
c. 88. s. 7.

23. Any owner or master of a British ship who neglects to cause his ship to be marked as by this Act required, or to keep her so marked, or who allows the ship to be so loaded as to submerge in salt water the centre of the disc, and any person who conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate, any of the said marks, except in the event of the particulars thereby denoted being lawfully altered, or except for the purpose of escaping

capture by an enemy, shall for each offence incur a penalty not exceeding one hundred pounds. A.D. 1876.

If any of the marks required by this Act is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall
5 incur a penalty not exceeding one hundred pounds.

Foreign Ships, Overloading.

24. Where a foreign ship has taken on board all or any part of her cargo at a port in the United Kingdom, and is whilst at that port unsafe by reason of overloading or improper loading, the
10 provisions of this Act with respect to the detention of ships shall apply to that foreign ship as if she were a British ship, with the following modifications :

Application to foreign ships of provisions as to detention.

- (1.) Sub-sections (4.), (5.), (6.), and (7.) of section five of this Act shall not apply :
- 15 (2.) A copy of order for the provisional detention of the ship shall be forthwith served on the consular officer for the State to which the ship belongs at or nearest to the place where the ship is detained :
- (3.) If the owner or master of the ship is dissatisfied with the
20 order for provisional detention the consular officer may, on his request and at any time within three days after the service of the order on the master, appoint some competent person to survey the ship, and if on survey that person decides that the ship ought to be released, she shall be
25 released accordingly.

Investigations into Shipping Casualties.

25. For the purpose of rendering investigations into shipping casualties more speedy and effectual it shall be lawful for the Lord Chancellor of Great Britain to appoint from time to time some fit
30 person or persons to be wreck commissioners, so that there shall not be more than three such commissioners at any one time, and to remove any such wreck commissioner.

Appointment, duties, and powers of wreck commissioners for investigating shipping casualties. See 17 & 18 Vict. c. 104. s. 433.

It shall be the duty of a wreck commissioner, at the request of the Board of Trade, to hold any formal investigation into a
35 loss, abandonment, damage, or casualty (in this Act called a shipping casualty) under the eighth part of the Merchant Shipping Act, 1854, and for that purpose he shall have the same jurisdiction and powers as are thereby conferred on two justices, and all the provisions of the Merchant Shipping Acts, 1854 to 1876, with
40 respect to investigations conducted under the eighth part of the

A.D. 1876. Merchant Shipping Act, 1854, shall apply to investigations held by a wreck commissioner.

Assessors
and rules of
procedure
on formal
investiga-
tions into
shipping
casualties.
See
17 & 18 Vict.
c. 104, s. 434.

26. The wreck commissioner, justices, or other authority holding a formal investigation into a shipping casualty shall hold the same with the assistance of an assessor or assessors of nautical en- 5
gineering or other special skill or knowledge, to be appointed by the commissioners, justices, or authority out of a list of persons for the time being approved for the purpose by a Secretary of State.

When an investigation may involve the cancellation or suspension of the certificate of a master or mate, one of the 10
assessors shall, where practicable, be a person having experience in the merchant service.

Each assessor shall either sign the report made on the investi-
gation, or report to the Board of Trade his reasons for his dissent
therefrom. 15

The Lord Chancellor of Great Britain may from time to time, with the consent of the Treasury so far as relates to fees, make, and when made revoke, alter, and add to general rules for carrying into effect the enactments relating to formal investigations into shipping casualties, and in particular with respect to the summoning of 20
assessors, the procedure, the parties the persons allowed to appear, the notice to such parties and persons, or to persons affected, and the amount and application of fees.

All such rules, while in force, shall have effect as if enacted in this Act. 25

Every formal investigation into a shipping casualty shall be conducted in such manner that if a charge is made against any person that person shall have an opportunity of making a defence.

Power for
wreck com-
missioner to
institute ex-
amination
with respect
to ships in
distress
under
17 & 18 Vict.
c. 104, s. 448.

27. A wreck commissioner may at the request of the Board of Trade institute the same examination as a receiver of wreck under 30
section four hundred and forty-eight of the Merchant Shipping Act, 1854, and shall for that purpose have the powers by that section conferred on a receiver of wreck.

Power to
hold inquiries
or formal in-
vestigations
as to stranded
and missing
ships.
See
17 & 18 Vict.
c. 104, s. 432.

28. In the following cases :—

- (1.) Whenever any ship on or near the coasts of the United 35
Kingdom or any British ship elsewhere has been stranded or damaged, and any witness is found at any place in the United Kingdom, or
- (2.) Whenever a British ship has been lost or is supposed to have been lost, and any evidence can be obtained in the 40
United Kingdom as to the circumstances under which she proceeded to sea or was last heard of,

the Board of Trade (without prejudice to any other powers) may if they think fit, cause an inquiry to be made or formal investigation to be held, and all the provisions of the Merchant Shipping Acts, 1854 to 1876, shall apply to any such inquiry or investigation as if it had been made or held under the eighth part of the Merchant Shipping Act, 1854.

A.D. 1876.

29. A formal investigation into a shipping casualty may be held at any place appointed in that behalf by the Board of Trade, and all enactments relating to the authority holding the investigation shall, for the purpose of the investigation, have effect as if the place so appointed were a place appointed for the exercise of the ordinary jurisdiction of that authority.

Place of investigation.

Miscellaneous.

30. Where under the Merchant Shipping Acts, 1854 to 1876, or any of them, a ship is authorised or ordered to be detained, any commissioned officer on full pay in the naval or military service of Her Majesty, or any officer of the Board of Trade or customs, or any British consular officer may detain the ship, and if the ship after such detention or after service on the master of any notice of or order for such detention proceeds to sea before it is released by competent authority, the master of the ship, and also the owner, and any person who sends the ship to sea, if party or privy to the offence, shall forfeit and pay to Her Majesty a penalty not exceeding one hundred pounds.

Enforcing detention of ship. See 17 & 18 Vict. c. 104. s. 103.

Where a ship so proceeding to sea takes to sea when on board thereof in the execution of his duty any officer authorised to detain the ship, or any surveyor or officer of the Board of Trade, or customs, the owner and master of the ship shall each be liable to pay all expenses of and incidental to the officer or surveyor being so taken to sea, and also a penalty of not exceeding one hundred pounds, or, if the offence is not prosecuted in a summary manner, not exceeding ten pounds for every day until the officer or surveyor returns, and such expenses may be recovered in like manner as the penalty.

Any person who obstructs the service of any notice or order for detention on the master of a ship shall incur a penalty not exceeding ten pounds, and if the owner or master of the ship is party or privy to such obstruction he shall be guilty of a misdemeanor.

A.D. 1876.

Ship's
managing
owner or
manager to
be registered.

31. The name and address of the managing owner for the time being of every British ship registered at any port or place in the United Kingdom shall be registered at the custom house of the ship's port of registry.

The managing owner whose name is so registered shall be resident 5
in the United Kingdom, and be either the sole owner of the ship,
or, if there are two or more owners, one of those owners; and
where there is no such managing owner as aforesaid, there shall be so
registered the name of some one person resident in the United
Kingdom who is the ship's husband or other person to whom the 10
management of the ship is entrusted by or on behalf of the owner.

The person whose name is for the time being so registered in
pursuance of this section shall be deemed to be the managing owner
within the meaning of this and any other Act relating to Merchant
Shipping.

15

If at the time at which the ship leaves any port in the United
Kingdom the name and address of the managing owner at that time
are not registered in accordance with this section, the owner of the
ship, or, if there are two or more owners, each owner, shall be liable
to a penalty not exceeding one hundred pounds.

20

Power for
Her Majesty
by Order in
Council to
apply certain
provisions of
Merchant
Shipping
Acts to
foreign ships.

32. Whenever it has been made to appear to Her Majesty that
the Government of any Foreign State is desirous that any of the
provisions of the Merchant Shipping Acts, 1854 to 1876, shall apply
to the ships of such State, Her Majesty may by Order in Council
declare that such of the said provisions as are in such Order specified 25
shall (subject to the limitations, if any, contained in the Order)
apply, and thereupon, so long as the Order remains in force, such
provisions shall apply (subject to the said limitations) to the ships
of such State, and to the owners, masters, officers, and crews of such
ships when not within the jurisdiction of such State, in the same 30
manner in all respects as if such ships were British ships.

It shall be lawful for Her Majesty from time to time by Order
in Council to add to, alter, or repeal any Order made under this
section.

Fees, salaries,
and costs.

33. On and after the first day of January one thousand eight hun- 35
dred and seventy-seven all fees payable in respect of the survey or
measurement of ships under the Merchant Shipping Acts, 1854 to
1876, or in respect of any services performed by any person
employed under the authority of the Passengers Act, 1855, shall
continue to be paid to the superintendent of a mercantile marine 40

office at such times and in such manner as the Board of Trade from time to time direct, but shall be paid into the receipt of Her Majesty's Exchequer in such manner as the Treasury from time to time direct, and shall be carried to and form part of the Consolidated Fund of the United Kingdom. A.D. 1876.

On and after the same day the salaries of all surveyors appointed under the Merchant Shipping Acts, 1854 to 1876, and so much of the expenses connected with the survey and measurement of ships under those Acts, and of the salaries and expenses of persons employed under the Passengers Act, 1855, as has heretofore been paid out of the Mercantile Marine Fund, shall be paid out of moneys provided by Parliament, and the Treasury shall have the like control over such salaries and expenses as has heretofore been vested in the Board of Trade.

There may be paid out of moneys provided by Parliament, to any wreck commissioner, judge of a court of survey, assessor, registrar of a court of survey, detaining officer, scientific referee, and other officer or person appointed under this Act, such salary or remuneration (if any) as the Treasury from time to time direct.

There may be paid out of moneys provided by Parliament all costs and compensation payable by the Board of Trade in pursuance of this Act.

34. For the purpose of punishment, jurisdiction, and legal proceedings an offence under this Act shall be deemed to be an offence under the Merchant Shipping Act, 1854. Legal proceedings in case of offences.

35. In the application of this Act to Scotland, the provision with respect to a prosecution not being instituted except by or with the consent of the Board of Trade shall not apply. Application of Act to Scotland.

"Judge of a county court" shall be deemed to include a sheriff and sheriff substitute, and

"Registrar of a county court" shall be deemed to include sheriff clerk, and

"A master of the Supreme Court of Judicature" shall mean the Queen's and Lord Treasurer's Remembrancer.

36. In the application of this Act to Ireland,—

"Judge of a county court" shall be deemed to include "chairman of a county," and Application of Act to Ireland.

"Stipendiary magistrate" shall be deemed to include any of the justices of the peace in Dublin metropolis and any resident magistrate, and

"A Master of the Supreme Court of Judicature" shall mean one of the masters of the Court of Queen's Bench.

A.D. 1876.

Application
of Act to Isle
of Man.**37.** In the application of this Act to the Isle of Man,—

“ Judge of a county court ” shall mean the water bailiff ;

“ Stipendiary magistrate ” shall mean a high bailiff ;

“ Registrar of a county court ” shall mean a clerk to a deemster
or a clerk to justices of the peace ;“ A master of the Supreme Court of Judicature ” shall mean the
clerk of the rolls. 5*Repeal.*Repeal of
Acts.

38. On and from the commencement of this Act the Acts specified
in the first part of the schedule hereto, and on and from the first day 10
of January one thousand eight hundred and seventy-seven, the Acts
specified in the second part of the schedule hereto shall be repealed
to the extent in the third column of that schedule mentioned :
Provided that any officer appointed in pursuance of any such enact-
ment shall be deemed to have been appointed under this Act, and 15
this repeal shall not affect—

- (1.) Any thing done or suffered made under any enactment
hereby repealed ; nor
- (2.) Any right, power, duty, obligation, or liability acquired, im-
posed, accrued, or incurred under any enactment hereby 20
repealed ; nor
- (3.) Any penalty or punishment incurred in respect of any
offence against any enactment hereby repealed ; nor
- (4.) Any legal proceeding in respect of any such right, duty,
obligation, liability, penalty, or punishment, and any such 25
legal proceeding may be carried on as if this Act had not
passed.

SCHEDULE.

A.D. 1876.

PART I.**ENACTMENTS REPEALED FROM COMMENCEMENT OF ACT.**

Session and Chapter.	Title.	Extent of repeal.
5 17 & 18 Vict. c. 104 -	The Merchant Shipping Act, 1854 -	Section four hundred and thirty-four, and section four hundred and thirty - seven from "and in case he so requires" inclusive to the end of section, and section four hundred and forty-nine.
10		
15 34 & 35 Vict. c. 110 -	The Merchant Shipping Act, 1871 -	Section eleven.
36 & 37 Vict. c. 85 -	The Merchant Shipping Act, 1873 -	Sections twelve, thirteen, and fourteen.
38 & 39 Vict. c. 88 -	The Merchant Shipping Act, 1875 -	The whole Act.

PART II.**20 ENACTMENTS REPEALED FROM 1ST JANUARY 1877.**

Session and Chapter.	Title.	Extent of repeal.
17 & 18 Vict. c. 104 -	The Merchant Shipping Act, 1854 -	Sub-section (2) of section four hundred and eighteen.
25 35 & 36 Vict. c. 73 -	The Merchant Shipping Act, 1872 -	Section fourteen.

Merchant Shipping.

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend the Merchant Shipping Acts.

(Prepared and brought in by
Sir Charles Adderley and Mr. Edward Stanhope.)

Ordered, by The House of Commons, to be Printed,
8 May 1876.

[Bill 144 +]

Under 3 oz.

LORDS AMENDMENTS
TO THE
MERCHANT SHIPPING BILL.

*Note.—The page and line refer to the Bill (99.) as first printed
by the Lords.*

Page 1.

Line 13, after (“ Act ”) insert (“ nevertheless any orders in
“ council and general rules under this Act may be made
“ at any time after the passing of this Act, but shall not
“ come into operation before the commencement of this
“ Act ”)

Line 17, leave out from (“ endangered ”) to (“ shall ”) in
line 19.

Page 2.

Line 6, after (“ Trade ”) insert (“ or of the governor of the
“ British possession in which such prosecution takes place ”)

Line 24, after (“ ship ”) insert (“ being in any port of the
“ United Kingdom ”)

Line 36, leave out (“ agent, or owner ”)

Page 3.

Leave out sub-section (5.)

Line 22, leave out from (“ ship ”) to (“ shall ”) in line 23, and
insert (“ at any time before the person appointed under this
“ section to survey the ship makes such survey may require
“ that he ”)

Page 4.

Line 29, after (“ judge ”) insert (“ if a Secretary of State thinks
“ fit at any time, on the recommendation of the government
“ of any British possession or any foreign state, to add any
“ person or persons to any such list, such person or persons
“ shall, until otherwise directed by the Secretary of State,
“ be added to such list, and if there is no such list, shall
“ form such list ”)

[Bill 271.]

A

Page 5.

Line 21, leave ("security"), and after ("appeal") insert ("security")

Line 27, leave out from ("that") to the second ("the") in line 28, and insert ("there was not reasonable and probable cause by reason of the condition of the ship or the act or default of the owner for the provisional detention of the ship")

Page 6.

Line 29, leave out from ("complaint") to the second ("the") in line 31, and insert ("and the circumstances are such that the Board of Trade are liable under this Act to pay to the owner of the ship any costs or compensation")

Line 38, leave out sub-section (2.) and insert as a new sub-section ("An order for the detention of a ship, provisional or final, and an order varying the same, shall be served as soon as may be on the master of the ship")

Page 7.

Transpose clause 25, inserting it after clause 12.

Pages 8 and 9.

Line 37, leave out the last paragraph of clause 13, and insert ("Where the survey of a ship is made for the purpose of a declaration or certificate under the above recited enactments, the person appointed to make the survey shall, if so required by the owner, be accompanied on the survey by some person appointed by the owner, and in such case, if the said two persons agree, there shall be no appeal to the court of survey in pursuance of this section")

Page 10.

Line 1, after ("without") insert ("modification")

Lines 1 and 2, leave out ("modification") and insert ("modifications")

Lines 9 to 14, leave out the last two paragraphs of clause 16.

After clause 17. insert clauses (A.) and (B.):

CLAUSE (A.)
Provision as
to survey of
foreign
passenger
steamer or
emigrant
ship.

Where a foreign ship is a passenger steamer subject to the Merchant Shipping Act, 1854, and the Acts amending the same, or an emigrant ship subject to the Passengers Act, 1855, and the Acts amending the same, and the Board of Trade are satisfied that such ship has been officially surveyed at a foreign port, and that the requirements of the said Acts, or any of them, are proved by such

survey to have been substantially complied with, the Board may, if they think fit, dispense with any further survey of the ship in respect of the requirements so complied with, and give or direct one of their officers to give a certificate, which shall have the same effect as if given upon survey under the said Acts or any of them.

It shall be lawful for the Board of Trade, if satisfied that the food, space, accommodation, or any other particular or thing provided in an emigrant ship for any class of passengers is superior to the food, space, accommodation, or other particular or thing required by the Passengers Act, 1855, and the Acts amending the same, to exempt such ship from any of the requirements of those Acts with respect to food, space, or accommodation, or other particular or thing, in such manner and upon such conditions as the Board of Trade may think fit.

CLAUSE (B.)
Power to
modify Pas-
senger Acts
as to food,
space, and
accommo-
dation in
emigrant
ships.

Line 34, leave out ("passenger") and insert ("emigrant")

Page 11.

Line 3, leave out ("such") and insert ("steamer or")

Line 16, leave out ("agent"), and after ("ship") insert ("or
" any agent of such owner who is charged with the loading
" of the ship or the sending her to sea")

Line 38, after ("book") insert ("and also in a memorandum
" which he shall deliver to the master, and the master shall,
" when the said dues are demanded, produce such memo-
" randum in like manner as if it were the certificate of
" registry, or, in the case of a foreign ship, the document
" equivalent to a certificate of registry, and in default
" shall be liable to the same penalty as if he had failed to
" produce the said certificate or document")

Pages 11 and 12.

Leave out clause 21 and insert clause (C.) :

After the first day of January one thousand eight hundred and seventy-seven, if a ship, British or foreign, arrives between the last day of October and the sixteenth day of April in any year at any port in the United Kingdom from any port out of the United Kingdom, carrying as deck cargo, that is to say, in any uncovered space upon deck, or in any covered space not included in the cubical contents forming the ship's registered tonnage, any wood goods coming within the following descriptions; that is to say,—

CLAUSE (C.)
Penalty for
carrying
deckloads of
timber in
winter.

- (a.) Any square, round, waney, or other timber, or any pitch pine, mahogany, oak, teak, or other heavy wood goods whatever; or

[271.]

A 2

(b.) Any more than five spare spars or store spars, whether or not made, dressed, and finally prepared for use ; or

(c.) Any deals, battens, or other light wood goods of any description to a height exceeding three feet above the deck ;

the master of the ship, and also the owner, if he is privy to the offence, shall be liable to a penalty not exceeding five pounds for every hundred cubic feet of wood goods carried in contravention of this section, and such penalty may be recovered by action or on indictment or to an amount not exceeding one hundred pounds (whatever may be the maximum penalty recoverable) on summary conviction.

Provided that a master or owner shall not be liable to any penalty under this section—

(1.) In respect of any wood goods which the master has considered it necessary to place or keep on deck during the voyage on account of the springing of any leak, or of any other damage to the ship received or apprehended ; or

(2.) If he proves that the ship sailed from the port at which the wood goods were loaded as deck cargo at such time before the last day of October as allowed a sufficient interval according to the ordinary duration of the voyage for the ship to arrive before that day at the said port in the United Kingdom, but was prevented from so arriving by stress of weather or circumstances beyond his control ; or

(3.) If he proves that the ship sailed from the port at which the wood goods were loaded as deck cargo at such time before the sixteenth day of April as allowed a reasonable interval according to the ordinary duration of the voyage for the ship to arrive after that day at the said port in the United Kingdom, and by reason of an exceptionally favourable voyage arrived before that day.

Provided further, that nothing in this section shall affect any ship not bound to any port in the United Kingdom which comes into any port of the United Kingdom under stress of weather, or for repairs, or for any other purpose than the delivery of her cargo.

Page 12.

Line 24, leave out (“ under eighty tons register ”)

Line 26, leave out (“ all ”)

Lines 38 and 39, leave out (“ under eighty tons register ”)

Line 39, leave out (“ or ”) and insert (“ ships employed
“ solely ”)

Page 14.

Transpose clause 25, inserting it after clause 12.

Line 36, after (" Lord ") insert (" High ")

Line 38, after (" be ") insert (" a wreck commissioner or "), and
after (" commissioners ") insert (" for the United King-
" dom ")

Page 15.

Leave out lines 19 to 22 inclusive, and insert

(" The commissioner, justices, or authority, when of opinion that
" the investigation is likely to involve the cancellation or suspension
" of the certificate of a master or mate, shall, where practicable,
" appoint a person having experience in the merchant service to be
" one of the assessors ")

Line 26, after (" Lord ") insert (" High ")

Line 40, after (" Trade ") insert (" by himself or by some
" deputy approved by the Board of Trade ")

Page 16.

Line 33, after (" if ") insert (" such owner or person be ")

Line 41, leave out (" of ")

Page 17.

Line 6, leave out the last paragraph of clause 31.

After clause 31 insert clause (D.) :

Where any order, notice, statement, or document requires, CLAUSE (D.)
Service of
order on
master, &c.
for the purpose of any provision of this Act, to be served on the
master of a ship, the same shall be served, where there is no master,
and the ship is in the United Kingdom, on the managing owner of
the ship, or if there is no managing owner, on some agent of the
owner residing in the United Kingdom, or where no such agent is
known or can be found, by affixing a copy thereof to the mast of
the ship.

Any such order, notice, statement, or document, may be served
by delivering a copy thereof personally to the person to be served,
or by leaving the same at his last place of abode, or in the case of a
master by leaving it for him on board the ship with the person
being or appearing to be in command or charge of such ship.

Any person who obstructs the service of any order, notice, state-
ment, or document on the master of a ship shall incur a penalty not
exceeding ten pounds, and if the owner or master of the ship is party
or privy to such obstruction he shall be guilty of a misdemeanor.

[271.]

A 3

Page 17.

Line 28, after ("1876") insert ("or of any Act hereafter to be
" passed amending the same ")

Line 34, leave out ("officers, and crews") and insert ("seamen,
" and apprentices ")

Line 35, after ("not") insert ("locally")

Leave out lines 37, 38, and 39.

After clause 33 insert clause (E.) :

CLAUSE (E.)
Provision as
to Order in
Council.

Where Her Majesty has power under the Merchant Shipping Act, 1854, or any Act passed or hereafter to be passed amending the same, to make an Order in Council, it shall be lawful for Her Majesty from time to time to make such Order in Council, and by Order in Council to revoke, alter, or add to any Order so made.

Every such Order in Council shall be published in the London Gazette, and shall be laid before both Houses of Parliament within one month after it is made, if Parliament be then sitting, or if not, within one month after the then next meeting of Parliament.

Upon the publication of any such Order in the London Gazette, the Order shall, after the date of such publication, or any later date mentioned in the Order, take effect as if it were enacted by Parliament.

Leave out clause 34.

Page 19.

After clause 39 insert clause (F.) :

CLAUSE (F.)
Saving for
colonial in-
land waters.

Nothing in this Act shall apply to any vessel employed exclusively in trading or going from place to place in any river or inland water of which the whole or part is in any British possession, and the provisions of this Act relating to deck cargo shall not apply to deck cargo carried by a ship while engaged in the coasting trade of any British possession.

Line 28, after ("Act") insert ("and any Order in Council
" made in pursuance of any such enactment shall be
" deemed to have been made under this Act")

Line 30, leave out ("made")

Line 37, after ("right,") insert ("power")

Page 20.

Line 7, after ("one") insert ("so much of section three
" hundred and eighteen as requires the owner of a ship to
" transmit the declarations therein mentioned ")

Line 19, after ("sections") insert ("eleven")

LORDS AMENDMENTS

TO THE

MERCHANT SHIPPING BILL.

*Ordered, by The House of Commons, to be Printed,
25 July 1876.*

[Bill 271.]

Under 1 oz.

A

B I L L

[WITH THE AMENDMENTS MADE BY THE LORDS]

TO

Amend the Merchant Shipping Acts.

[Note.—*The words printed in italics, and clauses A. to F., were inserted, and the words struck through were omitted, by the Lords.*]

A.D. 1876.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 Preliminary.

1. This Act may be cited as the Merchant Shipping Act, 1876. Short title.

2. This Act shall be construed as one with the Merchant Shipping Act, 1854, and the Acts amending the same; and the said Acts and this Act may be cited collectively as the Merchant Shipping Acts, 1854 to 1876. Construction of Act.

3. This Act shall come into operation on the first day of October 1876 (which day is in this Act referred to as the commencement of this Act); *nevertheless any Orders in Council and general rules under this Act may be made at any time after the passing of this Act, but shall not come into operation before the commencement of this Act.* Commencement of Act.

Unseaworthy Ships.

4. Every person who sends or attempts to send, or is party to sending or attempting to send a British ship to sea in such unseaworthy state that the life of any person is likely to be thereby endangered, ~~and the managing owner of any British ship so sent to sea from any port in the United Kingdom,~~ shall be guilty of a misdemeanor, unless he proves that he used all reasonable means to insure her being sent to sea in a seaworthy state, or that her going to sea in such unseaworthy state was, under the circumstances, reasonable and justifiable; and, for the purpose of giving such proof, he may give evidence in the same manner as any other witness. Sending unseaworthy ship to sea a misdemeanor. 34 & 35 Vict. c. 110. s. 11. 38 & 39 Vict. c. 88. s. 4.

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Every master of a British ship who knowingly takes the same to sea in such unseaworthy state that the life of any person is likely to be thereby endangered shall be guilty of a misdemeanor, unless he proves that her going to sea in such unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purpose of giving such proof he may give evidence in the same manner as any other witness.

A prosecution under this section shall not be instituted except by or with the consent of the Board of Trade, or of the governor of the British possession in which such prosecution takes place. 10

A misdemeanor under this section shall not be punishable upon summary conviction.

Obligation of shipowner to crew with respect to use of reasonable efforts to secure seaworthiness. See 38 & 39 Vict. c. 88. s. 9.

5. In every contract of service, express or implied, between the owner of a ship and the master or any seaman thereof, and in every instrument of apprenticeship whereby any person is bound to serve 15 as an apprentice on board any ship, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the owner of the ship, that the owner of the ship, and the master, and every agent charged with the loading of the ship, or the preparing thereof for sea, or the sending thereof to sea, shall use all reason- 20 able means to insure the seaworthiness of the ship for the voyage at the time when the voyage commences, and to keep her in a seaworthy condition for the voyage during the same: Provided, that nothing in this section shall subject the owner of a ship to any liability by reason of the ship being sent to sea in an unseaworthy 25 state where, owing to special circumstances, the so sending thereof to sea is reasonable and justifiable.

Power to detain unsafe ships, and procedure for such detention. See 36 & 37 Vict. c. 85. s. 12.

6. Where a British ship, being in any port of the United Kingdom, is, by reason of the defective condition of her hull, equipments, or machinery, or by reason of overloading or improper 30 loading, unfit to proceed to sea without serious danger to human life, having regard to the nature of the service for which she is intended, any such ship (herein-after referred to as "unsafe") may be provisionally detained for the purpose of being surveyed, and either finally detained or released, as follows : 35

(1.) The Board of Trade, if they have reason to believe on complaint, or otherwise, that a British ship is unsafe, may provisionally order the detention of the ship for the purpose of being surveyed.

(2.) When a ship has been provisionally detained there shall be 40 forthwith served on the master, agent, or owner of the ship a written statement of the grounds of her detention, and the Board of Trade may, if they think fit, appoint

some competent person or persons to survey the ship and report thereon to the Board. A.D. 1876.

5 (3.) The Board of Trade on receiving the report may either order the ship to be released or, if in their opinion the ship is unsafe, may order her to be finally detained, either absolutely, or until the performance of such conditions with respect to the execution of repairs or alterations, or the unloading or reloading of cargo, as the Board think necessary for the protection of human life, and may from
10 time to time vary or add to any such order.

15 (4.) Before the order for final detention is made a copy of the report shall be served upon the master of the ship, and within seven days after such service the owner or master of the ship may appeal in the prescribed manner to the court of survey (herein-after mentioned) for the port or district where the ship is detained.

20 ~~(5.) Where a ship has been provisionally detained on the ground that she is unsafe by reason of over-loading, and with the consent of the Board of Trade where a ship has been provisionally detained on any other ground, the owner or master of the ship may, within three days after the service of the order on the master, appeal in the prescribed manner to the court of survey for the port or district where the ship is detained.~~

25 (6.) Where a ship has been provisionally detained, the owner or master of the ship may require that the person appointed by the Board of Trade to survey the ship *at any time before the person appointed under this section to survey the ship makes such survey may require that he* shall be accompanied by such
30 person as the owner or master may select out of the list of assessors for the court of survey (nominated as herein-after mentioned), and in such case if the surveyor and assessor agree, the Board of Trade shall cause the ship to be detained or released accordingly, but if they differ, the Board of Trade may act as if the requisition had not
35 been made, and the owner and master shall have the like appeal touching the report of the surveyor as is before provided by this section.

40 (7.) Where a ship has been provisionally detained, the Board of Trade may at any time, if they think it expedient, refer the matter to the court of survey for the port or district where the ship is detained.

A.D. 1876.

See 38 & 39
Vict. c. 88.
s. 1.Constitution
of court of
survey for
appeals.
See 36 & 37
Vict. c. 85.
s. 14.

- (8.) The Board of Trade may at any time, if satisfied that a ship detained under this Act is not unsafe, order her to be released either upon or without any conditions.
- (9.) For the better execution of this section, the Board of Trade, with the consent of the Treasury, may from time to time appoint a sufficient number of fit officers, and may remove any of them.
- (10.) Any officer so appointed (in this Act referred to as a detaining officer) shall have the same power as the Board of Trade have under this section of provisionally ordering the detention of a ship for the purpose of being surveyed, and of appointing a person or persons to survey her; and if he thinks that a ship so detained by him is not unsafe may order her to be released.
- (11.) A detaining officer shall forthwith report to the Board of Trade any order made by him for the detention or release of a ship.

7. A court of survey for a port or district shall consist of a judge sitting with two assessors.

The judge shall be such person as may be summoned for the case in accordance with the rules made under this Act out of a list (from time to time approved for the port or district by one of Her Majesty's Principal Secretaries of State, in this Act referred to as a Secretary of State,) of wreck commissioners appointed under this Act, stipendiary or metropolitan police magistrates, judges of county courts, and other fit persons; but in any special case in which the Board of Trade think it expedient to appoint a wreck commissioner, the judge shall be such wreck commissioner.

The assessors shall be persons of nautical engineering or other special skill and experience; one of them shall be appointed by the Board of Trade, either generally or in each case, and the other shall be summoned in accordance with the rules under this Act by the registrar of the court, out of a list of persons periodically nominated for the purpose by the local marine board of the port, or, if there is no such board, by a body of local shipowners or merchants approved for the purpose by a Secretary of State, or, if there is no such list, shall be appointed by the judge; *if a Secretary of State thinks fit at any time, on the recommendation of the government of any British possession or any foreign state, to add any person or persons to any such list, such person or persons shall, until otherwise directed by the Secretary of State, be added to such list, and if there is no such list shall form such list.*

The county court registrar or such other fit person as a Secretary of State may from time to time appoint shall be the registrar of

the court, and shall, on receiving notice of an appeal or a reference from the Board of Trade, immediately summon the court in the prescribed manner to meet forthwith. A.D. 1876.

The name of the registrar and his office, together with the rules made under this Act relating to the court of survey, shall be published in the prescribed manner.

8. With respect to the court of survey the following provisions shall have effect : Power and procedure of court of survey.

(1.) The case shall be heard in open court ;

10 (2.) The judge and each assessor may survey the ship, and shall have for the purposes of this Act all the powers of an inspector appointed by the Board of Trade under the Merchant Shipping Act, 1854 ;

17 & 18 Vict.
c. 104. s. 14.

15 (3.) The judge may appoint any competent person or persons to survey the ship and report thereon to the court ;

(4.) The judge shall have the same power as the Board of Trade have to order the ship to be released or finally detained, but unless one of the assessors concurs in an order for the detention of the ship, the ship shall be released ;

20 (5.) The owner and master of the ship and any person appointed by the owner or master, and also any person appointed by the Board of Trade, may attend at any inspection or survey made in pursuance of this section ;

25 (6.) The judge shall send to the Board of Trade the prescribed report, and each assessor shall either sign the report or report to the Board of Trade the reasons for his dissent.

9. The Lord Chancellor of Great Britain may from time to time (with the consent of the Treasury so far as relates to fees) make, and when made revoke, alter, and add to general rules to carry into effect the provisions of this Act with respect to a court of survey, and in particular with respect to the summoning of and procedure before the court, the requiring ~~security~~ on an appeal *security* for costs and damages, the amount and application of fees, and the publication of the rules. Rules for procedure of court of survey, &c.

35 All such rules while in force shall have effect as if enacted in this Act, and the expression "prescribed" in the provisions of this Act relating to the detention of ships or court of survey means prescribed by such rules.

10. If it appears that a ship provisionally detained was not, at the time of such detention, unsafe within the meaning of this Act, there was not reasonable and probable cause by reason of the condition of the ship or the act or default of the owner, for the provisional detention of the ship, Liability of Board of Trade and shipowner for costs and damages.

A.D. 1876.

See 36 & 37
 Vict. c. 85.
 s. 13.]

the Board of Trade shall be liable to pay to the owner of the ship his costs of and incidental to the detention and survey of the ship, and also compensation for any loss or damage sustained by him by reason of the detention or survey.

If a ship is finally detained under this Act, or if it appears that a ship provisionally detained was, at the time of such detention, unsafe within the meaning of this Act, the owner of the ship shall be liable to pay to the Board of Trade their costs of and incidental to the detention and survey of the ship, and those costs shall, without prejudice to any other remedy, be recoverable as salvage is recoverable.

For the purposes of this Act the costs of and incidental to any proceeding before a court of survey, and a reasonable amount in respect of the remuneration of the surveyor or officer of the Board of Trade, shall be deemed to be part of the costs of the detention and survey of the ship, and any dispute as to the amount of costs under this Act may be referred to one of the masters or registrars of the Supreme Court of Judicature, who on request made to him for that purpose by the Board of Trade shall ascertain and certify the proper amount of such costs.

See 38 & 39
 Vict. c. 88.
 s. 8.

An action for any costs or compensation payable by the Board of Trade under this section may be brought against the secretary thereof by his official title as if he were a corporation sole; and if the cause of action arises in Ireland, it shall be lawful for any of the superior courts of common law in Ireland in which such action may be commenced to order that the summons or writ may be served on the Crown and Treasury Solicitor for Ireland, in such manner and on such terms as to extension of time and otherwise as to the court shall seem fit, and that such service shall be deemed good and sufficient service of such summons or writ upon the Secretary of the Board of Trade.

Power to
 require from
 complainant
 security for
 costs.
 See 36 & 37
 Vict. c. 85.
 s. 13.
 38 & 39 Vict.
 c. 88. s. 2.

11. Where a complaint is made to the Board of Trade or a detaining officer that a British ship is unsafe, the Board or officer may, if they or he think fit, require the complainant to give security to the satisfaction of the Board for the costs and compensation which he may become liable to pay as herein-after mentioned.

Provided that where the complaint is made by one fourth, being not less than three, of the seamen belonging to the ship, and is not in the opinion of the Board or officer frivolous or vexatious, such security shall not be required, and the Board or officer shall, if the complaint is made in sufficient time before the sailing of the ship, take proper steps for ascertaining whether the ship ought to be detained under this Act.

Where a ship is detained in consequence of any complaint, ~~and it appears that she was not at the time of such complaint unsafe within the meaning of this Act,~~ *and the circumstances are such that the Board of Trade are liable under this Act to pay to the owner of the ship any*
 5 *costs or compensation,* the complainant shall be liable to pay to the Board of Trade all such costs and compensation as the Board incur or are liable to pay in respect of the detention and survey of the ship.

12. (1.) A detaining officer shall have for the purpose of his duties
 10 under this Act the same powers as an inspector appointed by the Board of Trade under the Merchant Shipping Act, 1854. Supplemental provisions as to detention of ship. 17 & 18 Vict. c. 104. s. 14.
- (2.) ~~A copy of an order for the detention of a ship, provisional or final, and of any order varying the same, shall be served as soon as may be on the owner or master of the ship, and any such copy and a copy of any report or other document for the purposes of this Act may be served on the master of the ship in manner provided by section five hundred and twenty-two of the Merchant Shipping Act,~~
 15 ~~1854.~~ 17 & 18 Vict. c. 104. s. 522.
- 20 (2.) *An order for the detention of a ship, provisional or final, and an order varying the same, shall be served as soon as may be on the master of the ship.*
- (3.) When a ship has been detained under this Act she shall not
 25 be released by reason of her British register being subsequently closed.
- (4.) For the purposes of a survey of a ship under this Act any
 30 person authorised to make the same may go on board the ship and inspect the same and every part thereof, and the machinery, equipments, and cargo, and may require the unloading or removal of any cargo, ballast, or tackle.
- (5.) The provisions of the Merchant Shipping Act, 1854, with
 35 respect to persons who wilfully impede an inspector, or disobey a requisition or order of an inspector, shall apply as if those provisions were herein enacted, with the substitution for the inspector of any judge, assessor, officer, or surveyor who under this Act has the same powers as an inspector or has authority to survey a ship. 17 & 18 Vict. c. 104. s. 16.

Foreign Ships, Overloading.

- 40 13. *Where a foreign ship has taken on board all or any part of her cargo at a port in the United Kingdom, and is whilst at that port unsafe by reason of overloading or improper loading, the*
 [271.]* Application to foreign ships of provisions as to detention.
 A 4

A.D. 1876. *provisions of this Act with respect to the detention of ships shall apply to that foreign ship as if she were a British ship, with the following modifications :*

- (1.) *A copy of the order for the provisional detention of the ship shall be forthwith served on the consular officer for the State to which the ship belongs at or nearest to the place where the ship is detained :*
- (2.) *Where a ship has been provisionally detained, the consular officer, on the request of the owner or master of the ship, may require that the person appointed by the Board of Trade to survey the ship shall be accompanied by such person as the consular officer may select, and in such case if the surveyor and such person agree, the Board of Trade shall cause the ship to be detained or released accordingly, but if they differ, the Board of Trade may act as if the requisition had not been made, and the owner and master shall have the appeal to the court of survey touching the report of the surveyor which is before provided by this Act ; and*
- (3.) *Where the owner or master of the ship appeals to the court of survey the consular officer, on the request of such owner or master, may appoint any competent person who shall be assessor in such case in lieu of the assessor who, if the ship were a British ship, would be appointed otherwise than by the Board of Trade.*

In this section the expression "consular officer" means any consul-general, vice-consul, consular agent, or other officer recognised by a Secretary of State as a consular officer of a foreign state.

Appeal on Refusal of certain Certificates to Ships.

Appeal on refusal of certain certificates under Merchant Shipping and Passengers Acts. 17 & 18 Vict. c. 104. ss. 303, 309, 312. 25 & 26 Vict. c. 63. s. 12.

13. Whereas by section three hundred and nine of the Merchant Shipping Act, 1854, and enactments amending the same, the owner of a passenger steamer as defined in that Act is required to cause the same to be surveyed by a shipwright surveyor and an engineer surveyor, and those surveyors are required to give declarations of certain particulars with respect to the sufficiency or conformity with the Act of the ship and equipments, and to the limits beyond which the ship is not fit to ply, and to the number of passengers which the ship is fit to carry, and of other particulars in the said section mentioned, and the Board of Trade, under section three hundred and twelve of the same Act, issue a certificate upon such declara-

tions, and the passenger steamer cannot lawfully proceed to sea without obtaining such certificate; A.D. 1876.

And whereas under sections eleven and fifty of the Passengers Act, 1855, and the enactments amending the same, a passenger ship within
 5 the meaning of those sections (in this Act referred to as an emigrant ship) cannot lawfully proceed to sea without a certificate of clearance from an emigration officer, or other officer in those sections mentioned, showing that all the requirements of the said sections and enactments have been complied with, and that the ship is in the
 10 officer's opinion seaworthy, and that the passengers and crew are in a fit state to proceed to sea, and otherwise as therein mentioned;

18 & 19 Vict.
 c. 119. ss. 11,
 50.
 26 & 27 Vict.
 c. 51. ss. 3,
 13.

And whereas by section thirty of the Merchant Shipping Act Amendment Act, 1862, provision is made for preventing a ship
 15 a surveyor or person appointed by the Board of Trade to the effect that the ship is properly provided with lights, and with the means of making fog signals;

25 & 26 Vict.
 c. 63. s. 30.

And whereas it is expedient to give in the said cases such appeal as herein-after mentioned: Be it therefore enacted that—

20 If a shipowner feels aggrieved,

(1.) by a declaration of a shipwright surveyor or an engineer surveyor respecting a passenger steamer under the above-recited enactments, or by the refusal of a surveyor to give the said declaration; or

25 (2.) by the refusal of a certificate of clearance for an emigrant ship under the above-recited enactments; or

(3.) by the refusal of a certificate as to lights or fog signals under the above-recited enactment,

the owner may appeal in the prescribed manner to the court
 30 of survey for the port or district where the ship for the time being is.

On such appeal the judge of the court of survey shall report to the Board of Trade on the question raised by the appeal, and the Board of Trade, when satisfied that the requirements of the report
 35 and the other provisions of the said enactments have been complied with, may,—

(1.) In the case of a passenger steamer give their certificate under section three hundred and twelve of the Merchant Shipping Act, 1854, and

40 (2.) In the case of an emigrant ship give, or direct the emigration or other officer to give, a certificate of clearance under the above-mentioned enactments, and

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- (3.) In the case of a refusal of a certificate as to lights or fog signals, give or direct a surveyor or other person appointed by them to give a certificate under section thirty of the Merchant Shipping Act Amendment Act, 1862.

Subject to any order made by the judge of the court of survey, 5 the costs of and incidental to an appeal under this section shall follow the event.

Subject as aforesaid, the provisions of this Act with respect to the court of survey and appeals thereto, so far as consistent with the tenor thereof, shall apply to the court of survey when acting 10 under this section, and to appeals under this section.

~~In cases of urgency the owner may, instead of appealing as aforesaid, require that the Board of Trade surveyor shall again make a survey accompanied by such person as the owner may select out of the list of assessors (nominated as herein mentioned) or out of any list approved by the Board of 15 Trade, and in such case if the surveyor and such person agree in their report the Board of Trade shall act in the same manner as if the report had been made by the judge of the court of survey under the provisions of this section, but if they differ the Board of Trade may act as if the requisition had not been made, and the owner shall have the like appeal as is herein before 20 provided by this section.~~

Where the survey of a ship is made for the purpose of a declaration or certificate under the above-recited enactments, the person appointed to make the survey shall, if so required by the owner, be accompanied on the survey by some person appointed by the owner, 25 and in such case, if the said two persons agree, there shall be no appeal to the court of survey in pursuance of this section.

Scientific Referees.

Reference in
difficult cases
to scientific
persons.

14. If the Board of Trade are of opinion that an appeal under this Act involves a question of construction or design or of scientific 30 difficulty or important principle, they may refer the matter to such one or more out of a list of scientific referees from time to time approved by a Secretary of State, as may appear to possess the special qualifications necessary for the particular case, and may be selected by agreement between the Board of Trade and the 35 appellant, or in default of any such agreement by a Secretary of State, and thereupon the appeal shall be determined by the referee or referees, instead of by the court of survey.

The Board of Trade, if the appellant in any appeal so require and give security to the satisfaction of the Board to pay the costs of 40

and incidental to the reference, shall refer that appeal to a referee or referees so selected as aforesaid. A.D. 1876.

The referee or referees shall have the same powers as a judge of the court of survey.

5 Passenger Steamers and Emigrant Ships.

15 **15.** Any steamship may carry passengers not exceeding twelve in number although she has not been surveyed by the Board of Trade as a passenger steamer, and does not carry a Board of Trade certificate as provided by the Merchant Shipping Act, 1854, with respect
10 to passenger steamers. Exemption of certain steamers from passenger certificates.

16. Where the legislature of any British possession provides for the survey of and grant of certificates for passenger steamers, and the Board of Trade report to Her Majesty that they are satisfied that the certificates are to the like effect, and are granted after a
15 like survey, and in such manner as to be equally efficient with the certificates granted for the same purpose in the United Kingdom under the Acts relating to Merchant Shipping, it shall be lawful for Her Majesty by Order in Council— Colonial certificates for passenger steamers.

- 20 1. To declare that the said certificates shall be of the same force as if they had been granted under the said Acts; and
2. To declare that all or any of the provisions of the said Acts which relate to certificates granted for passenger steamers under those Acts shall, either without *modification* or with such ~~modification~~ *modifications* as to Her Majesty may seem
25 necessary, apply to the certificates referred to in the Order; and
3. To impose such conditions and to make such regulations with respect to the said certificates, and to the use, delivery, and cancellation thereof, as to Her Majesty may seem fit, and to
30 impose penalties not exceeding fifty pounds for the breach of such conditions and regulations.

~~Upon the publication in the "London Gazette" of any such Order in Council the provisions therein contained shall, after the date of the Order or any later date mentioned in the Order, take effect as if they had been contained~~
35 ~~in this Act.~~

~~It shall be lawful for Her Majesty in Council to revoke, alter, or add to any Order made under this section.~~

40 **17.** In every case where a passenger certificate has been granted to any steamer by the Board of Trade under the provisions of the Merchant Shipping Act, 1854, and remains still in force, it shall not be requisite for the purposes of the employment of such steamer under the Passengers Acts that she shall be again surveyed in her
[271.]* Provision against double survey in case of passenger steamers and emigrant ships.

A.D. 1876. hull and machinery in order to qualify her for service under the Passengers Act, 1855, and the Acts amending the same; but for the purposes of employment under those Acts such Board of Trade certificate shall be deemed to satisfy the requirements of the Passengers Acts with respect to such survey, and any further 5 survey of the hull and machinery shall be dispensed with, and so long as a steamship is an emigrant ship that is a passenger ship within the meaning of the Passengers Act, 1855, and the Acts amending the same, and the provisions contained in the said Passengers Acts as to the survey of her hull, machinery, and 10 equipments have been complied with, she shall not be subject to the provisions of the Merchant Shipping Act, 1854, with respect to the survey of and certificate for passenger steamers, or to the enactments amending the same.

CLAUSE A.
Provision as to survey of foreign passenger steamer or emigrant ship.

Where a foreign ship is a passenger steamer subject to the Merchant Shipping Act, 1854, and the Acts amending the same, or an emigrant ship subject to the Passengers Act, 1855, and the Acts amending the same, and the Board of Trade are satisfied that such ship has been officially surveyed at a foreign port, and that the requirements of the said Acts, or any of them, are proved by such survey to have been substantially complied with, the Board may, if they think fit, dispense with any further survey of the ship in respect of the requirements so complied with, and give or direct one of their officers to give a certificate, which shall have the same effect as if given upon survey under the said Acts or any of them.

CLAUSE B.
Power to modify Passenger Acts as to food, space, and accommodation in emigrant ships.

It shall be lawful for the Board of Trade, if satisfied that the food, space, accommodation, or any other particular or thing provided in an emigrant ship for any class of passengers is superior to the food, space, accommodation, or any other particular or thing required by the Passengers Act, 1855, and the Acts amending the same, to exempt such ship from any of the requirements of those Acts with respect to food, space, accommodation, or any other particular or thing, in such manner and upon such conditions as the Board of Trade may think fit.

Added by the Lords.

Provision of signals of distress, inextinguishable lights, and life buoys in passenger steamers and emigrant ships.

18. Every sea-going passenger steamer and every passenger emi- 35
grant ship shall be provided to the satisfaction of the Board of Trade—

(1.) With means for making the signals of distress at night specified in the First Schedule to “The Merchant Shipping Act, 1873,” or in any rules substituted therefor, 40
including means of making flames on the ship which are inextinguishable in water, or such other means of making

signals of distress as the Board of Trade may previously approve; and

- (2.) With a proper supply of lights inextinguishable in water and fitted for attachment to life buoys.

A.D. 1876.
36 & 37 Vict.
c. 85. s. 18.
See 17 &
18 Vict.
c. 104. s. 301.

- 5 If any ~~such~~ *steamer or ship* goes to sea from any port of the United Kingdom without being so provided as required by this section, for each default in any of the above requisites the owner shall, if he appears to be in fault, incur a penalty not exceeding one hundred pounds, and the master shall, if he appears to be in
10 fault, incur a penalty not exceeding fifty pounds.

Grain Cargoes.

19. No cargo of which more than one third consists of any kind of grain, corn, rice, paddy, pulse, seeds, nuts, or nut kernels, hereinafter referred to as "grain cargo," shall be carried on board any
15 British ship, unless such grain cargo be contained in bags, sacks, or barrels, or secured from shifting by boards, bulkheads, or otherwise.

Stowage of
cargo of
grain, &c.
38 & 39 Vict.
c. 88. s. 3

- If the managing owner, ~~agent~~, or master of any British ship, or any
20 *agent of such owner who is charged with the loading of the ship or the sending her to sea*, knowingly allows any grain cargo or part of a grain cargo to be shipped therein for carriage contrary to the provisions of this section, he shall for every such offence incur a penalty not exceeding three hundred pounds, to be recovered upon summary conviction.

25 Deck Cargoes.

20. If any ship, British or foreign, other than home trade ships as defined by the Merchant Shipping Act, 1854, carries as deck cargo, that is to say, in any uncovered space upon deck, or in any covered space not included in the cubical contents forming the
30 ship's registered tonnage, timber, stores, or other goods, all dues payable on the ship's tonnage shall be payable as if there were added to the ship's registered tonnage the tonnage of the space occupied by such goods at the time at which such dues become payable.

Space occupied by
deck cargo
to be liable
to dues.

- 35 The space so occupied shall be deemed to be the space limited by the area occupied by the goods and by straight lines inclosing a rectangular space sufficient to include the goods.

- The tonnage of such space shall be ascertained by an officer of the Board of Trade or of customs, in manner directed by sub-section
40 four of section twenty-one of the Merchant Shipping Act, 1854,

17 & 18 Vict.
c. 104. s. 21.

[271.]*

B 3

A.D. 1876. and when so ascertained shall be entered by him in the ship's official log book *and also in a memorandum which he shall deliver to the master, and the master shall when the said dues are demanded produce such memorandum in like manner as if it were the certificate of registry, or, in the case of a foreign ship, the document 5 equivalent to a certificate of registry, and in default shall be liable to the same penalty as if he had failed to produce the said certificate or document.*

Penalty on ships carrying deck loads of timber in winter.

~~21. From and after the first day of January one thousand eight hundred and seventy-seven, a ship, British or foreign, arriving at any port in the United Kingdom, which has sailed from any port beyond the limits of the United Kingdom after the first day of October or before the sixteenth day of March in any year, shall not, while subject to British jurisdiction, carry as deck cargo, that is to say, in any uncovered space upon deck, or in any covered space not included in the cubical contents forming the ship's registered tonnage, any 15 timber, deals, or battens.~~

~~If any timber, deals, or battens be carried by any ship in contravention of this section, the master of the ship and also the owner, if he is privy to the offence, shall be liable to a penalty not exceeding five pounds for every hundred cubic feet of timber, deals, or battens so carried, and such penalty, to an amount not exceeding one hundred pounds (whatever may be the maximum penalty recoverable), may be recovered on summary conviction. 20~~

~~Provided, that a master or owner shall not be liable to any penalty under this section in respect of any timber, deals, or battens which the master has considered it necessary to place or keep on deck during the voyage on account 25 of the springing of any leak, or of any other damage to the ship received or apprehended.~~

~~Provided also, that nothing in this clause shall affect any foreign ship coming into any port of the United Kingdom under stress of weather, or for repairs, or for any other purpose than the delivery of her cargo. 30~~

CLAUSE C.
Penalty for carrying deckloads of timber in winter.

After the first day of January one thousand eight hundred and seventy-seven, if a ship, British or foreign, arrives between the last day of October and the sixteenth day of April in any year at any port in the United Kingdom from any port out of the United Kingdom, carrying as deck cargo, that is to say, in any uncovered space upon deck, or in any covered space not included in the cubical contents forming the ship's registered tonnage, any wood goods coming within the following descriptions; that is to say,—

(a.) Any square, round, waney, or other timber, or any pitch pine, mahogany, oak, teak, or other heavy wood goods whatever; or

Added by the Lords.

(b.) Any more than five spare spars or store spars, whether or not made, dressed, and finally prepared for use; or A.D. 1876.

(c.) Any deals, battens, or other light wood goods of any description to a height exceeding three feet above the deck.

The master of the ship, and also the owner, if he is privy to the offence, shall be liable to a penalty not exceeding five pounds for every hundred cubic feet of wood goods carried in contravention of this section, and such penalty may be recovered by action or on indictment or to an amount not exceeding one hundred pounds (whatever may be the maximum penalty recoverable) on summary conviction.

Provided that a master or owner shall not be liable to any penalty under this section—

(1.) In respect of any wood goods which the master has considered it necessary to place or keep on deck during the voyage on account of the springing of any leak, or of any other damage to the ship received or apprehended; or

(2.) If he proves that the ship sailed from the port at which the wood goods were loaded as deck cargo at such time before the last day of October as allowed a sufficient interval according to the ordinary duration of the voyage for the ship to arrive before that day at the said port in the United Kingdom, but was prevented from so arriving by stress of weather or circumstances beyond his control; or

(3.) If he proves that the ship sailed from the port at which the wood goods were loaded as deck cargo at such time before the sixteenth day of April as allowed a reasonable interval according to the ordinary duration of the voyage for the ship to arrive after that day at the said port in the United Kingdom, and by reason of an exceptionally favourable voyage arrived before that day.

Provided further, that nothing in this section shall affect any ship not bound to any port in the United Kingdom which comes into any port of the United Kingdom under stress of weather, or for repairs, or for any other purpose than the delivery of her cargo.

Deck and Load-lines.

22. Every British ship (except ships ~~under eighty tons register~~ employed solely in the coasting trade, ships employed solely in fishing, and all pleasure yachts) shall be permanently and conspicuously marked with lines of not less than twelve inches in length and one inch in breadth, painted longitudinally on each side amidships, or

Marking of
deck-lines.
38 & 39 Vict.
c. 88. s. 5.

[271.]*

B 4

A.D. 1876. as near thereto as is practicable, and indicating the position of each deck which is above water.

The upper edge of each of these lines shall be level with the upper side of the deck plank next the waterway at the place of marking.

The lines shall be white or yellow on a dark ground, or black on a light ground.

Marking of
load-line.
38 & 39 Vict.
c. 88, s. 6.

23. With respect to the marking of a load-line on British ships the following provisions shall have effect:

- (1.) The owner of every British ship (except ships ~~under eighty tons~~ ^{register} employed solely in the coasting trade, ~~or ships em-~~ ^{employed solely} in fishing, and pleasure yachts) shall, before entering his ship outwards from any port in the United Kingdom upon any voyage for which he is required so to enter her, or, if that is not practicable, as soon after as may be, mark upon each of her sides amidships, or as near thereto as is practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc, twelve inches in diameter, with a horizontal line eighteen inches in length, drawn through its centre :
- (2.) The centre of this disc shall indicate the maximum load-line in salt water to which the owner intends to load the ship for that voyage :
- (3.) He shall also, upon so entering her, insert in the form of entry delivered to the collector or other principal officer of customs a statement in writing of the distance in feet and inches between the centre of this disc and the upper edge of each of the lines indicating the position of the ship's decks which is above that centre :
- (4.) If default is made in delivering this statement in the case of any ship, any officer of customs may refuse to enter the ship outwards :
- (5.) The master of the ship shall enter a copy of this statement in the agreement with the crew before it is signed by any member of the crew, and no superintendent of any mercantile marine office shall proceed with the engagement of the crew until this entry is made :
- (6.) The master of the ship shall also enter a copy of this statement in the official log book :
- (7.) When a ship has been marked as by this section required, she shall be kept so marked until her next return to a port of discharge in the United Kingdom.

24. Any owner or master of a British ship who neglects to cause his ship to be marked as by this Act required, or to keep her so marked, or who allows the ship to be so loaded as to submerge in salt water the centre of the disc, and any person who conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate, any of the said marks, except in the event of the particulars thereby denoted being lawfully altered, or except for the purpose of escaping capture by an enemy, shall for each offence incur a penalty not exceeding one hundred pounds.

A.D. 1876.
Penalty for offences in relation to marks on ships.
38 & 39 Vict. c. 88. s. 7.

If any of the marks required by this Act is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall incur a penalty not exceeding one hundred pounds.

Foreign Ships, Overloading.

25. ~~Where a foreign ship has taken on board all or any part of her cargo at a port in the United Kingdom, and is whilst at that port unsafe by reason of overloading or improper loading, the provisions of this Act with respect to the detention of ships shall apply to that foreign ship as if she were a British ship, with the following modifications :~~

Application to foreign ships of provisions as to detention.

(1.) ~~A copy of order for the provisional detention of the ship shall be forthwith served on the consular officer for the State to which the ship belongs at or nearest to the place where the ship is detained :~~

(2.) ~~Where a ship has been provisionally detained, the consular officer, on the request of the owner or master of the ship, may require that the person appointed by the Board of Trade to survey the ship shall be accompanied by such person as the consular officer may select, and in such case if the surveyor and such person agree, the Board of Trade shall cause the ship to be detained or released accordingly, but if they differ, the Board of Trade may act as if the requisition had not been made, and the owner and master shall have the appeal to the court of survey touching the report to the surveyor which is before provided by this Act ; and~~

(3.) ~~Where the owner or master of the ship appeals to the court of survey the consular officer, on the request of such owner or master, may appoint any competent person who shall be assessor in such case in lieu of the assessor who, if the ship were a British ship, would be appointed otherwise than by the Board of Trade.~~

A.D. 1876. ~~In this section the expression "consular officer" means any consul-general, vice-consul, consular-agent, or other officer recognised by a Secretary of State as a consular officer of a foreign state.~~

Investigations into Shipping Casualties.

Appoint-
ment, duties,
and powers of
wreck com-
missioners
for investi-
gating ship-
ping casual-
ties.
See

17 & 18 Vict.
c. 104. s. 433.

26. For the purpose of rendering investigations into shipping 5 casualties more speedy and effectual it shall be lawful for the Lord High Chancellor of Great Britain to appoint from time to time some fit person or persons to be *a wreck commissioner or wreck com- 10 missioners for the United Kingdom*, so that there shall not be more than three such commissioners at any one time, and to remove any such wreck commissioner; and in case it shall become necessary to appoint a wreck commissioner in Ireland the Lord 15 Chancellor of Ireland shall have the appointment and the power of removal of such wreck commissioner.

It shall be the duty of a wreck commissioner, at the request 15 of the Board of Trade, to hold any formal investigation into a loss, abandonment, damage, or casualty (in this Act called a shipping casualty) under the eighth part of the Merchant Shipping Act, 1854, and for that purpose he shall have the same jurisdic- 20 tion and powers as are thereby conferred on two justices, and all the provisions of the Merchant Shipping Acts, 1854 to 1876, with respect to investigations conducted under the eighth part of the Merchant Shipping Act, 1854, shall apply to investigations held by a wreck commissioner.

Assessors
and rules of
procedure
on formal
investiga-
tions into
shipping
casualties.
See

17 & 18 Vict.
c. 104. s. 434.

27. The wreck commissioner, justices, or other authority holding 25 a formal investigation into a shipping casualty shall hold the same with the assistance of an assessor or assessors of nautical engineering or other special skill or knowledge, to be appointed by the commissioner, justices, or authority out of a list of persons for the time being approved for the purpose by a Secretary of State. 30

~~When an investigation may involve the cancellation or suspension of the certificate of a master or mate, one of the assessors shall, where practicable, be a person having experience in the merchant service.~~

The commissioner, justices, or authority, when of opinion that the investigation is likely to involve the cancellation or suspension 35 of the certificate of a master or mate, shall, where practicable, appoint a person having experience in the merchant service to be one of the assessors.

Each assessor shall either sign the report made on the investigation, or report to the Board of Trade his reasons for his dissent therefrom.

A.D. 1876.

The Lord High Chancellor of Great Britain may from time to time, with the consent of the Treasury so far as relates to fees, make, and when made revoke, alter, and add to general rules for carrying into effect the enactments relating to formal investigations into shipping casualties, and in particular with respect to the summoning of assessors, the procedure, the parties, the persons allowed to appear, the notice to such parties and persons or to persons affected, and the amount and application of fees.

All such rules, while in force, shall have effect as if enacted in this Act.

Every formal investigation into a shipping casualty shall be conducted in such manner that if a charge is made against any person that person shall have an opportunity of making a defence.

28. A wreck commissioner may at the request of the Board of Trade *by himself, or by some deputy approved by the Board of Trade*, institute the same examination as a receiver of wreck under section four hundred and forty-eight of the Merchant Shipping Act, 1854, and shall for that purpose have the powers by that section conferred on a receiver of wreck.

Power for wreck commissioner to institute examination with respect to ships in distress under 17 & 18 Vict. c. 104. s. 448.

29. In the following cases :—

(1.) Whenever any ship on or near the coasts of the United Kingdom or any British ship elsewhere has been stranded or damaged, and any witness is found at any place in the United Kingdom, or

Power to hold inquiries or formal investigations as to stranded and missing ships. See 17 & 18 Vict. c. 104. s. 432.

(2.) Whenever a British ship has been lost or is supposed to have been lost, and any evidence can be obtained in the United Kingdom as to the circumstances under which she proceeded to sea or was last heard of,

the Board of Trade (without prejudice to any other powers) may if they think fit, cause an inquiry to be made or formal investigation to be held, and all the provisions of the Merchant Shipping Acts, 1854 to 1876, shall apply to any such inquiry or investigation as if it had been made or held under the eighth part of the Merchant Shipping Act, 1854.

30. A formal investigation into a shipping casualty may be held at any place appointed in that behalf by the Board of Trade, and all enactments relating to the authority holding the investigation shall, for the purpose of the investigation, have effect as if the place so appointed were a place appointed for the exercise of the ordinary jurisdiction of that authority.

Place of investigation.

A.D. 1876.

Miscellaneous.

Enforcing
detention of
ship.

See

17 & 18 Vict.
c. 104. s. 103.

31. Where under the Merchant Shipping Acts, 1854 to 1876, or any of them, a ship is authorised or ordered to be detained, any commissioned officer on full pay in the naval or military service of Her Majesty, or any officer of the Board of Trade or customs, 5 or any British consular officer may detain the ship; and if the ship after such detention or after service on the master of any notice of or order for such detention proceeds to sea before it is released by competent authority, the master of the ship, and also the owner, and any person who sends the ship to sea, if *such owner* 10 *or person be* party or privy to the offence, shall forfeit and pay to Her Majesty a penalty not exceeding one hundred pounds

Where a ship so proceeding to sea takes to sea when on board thereof in the execution of his duty any officer authorised to detain the ship, or any surveyor or officer of the Board of Trade or 15 customs, the owner and master of the ship shall each be liable to pay all expenses of and incidental to the officer or surveyor being so taken to sea, and also a penalty of not exceeding one hundred pounds, or, if the offence is not prosecuted in a summary manner, not exceeding ten pounds for every day until the officer or surveyor 20 returns, or until such time as would enable him after leaving the ship to return to the port from which he is taken, and such expenses may be recovered in like manner as the penalty.

~~Any person who obstructs the service of any notice or order for detention on the master of a ship shall incur a penalty not exceeding ten pounds, and if the 25 owner or master of the ship is party or privy to such obstruction he shall be guilty of a misdemeanor.~~

CLAUSE D.
Service of
order on
master, &c.

Where any order, notice, statement, or document requires, for the purpose of any provision of this Act, to be served on the master of a ship, the same shall be served, where there is no master, and the ship is in the United Kingdom, on the managing owner of the ship, or if there is no managing owner, on some agent of the owner residing in the United Kingdom, or where no such agent is known or can be found, by affixing a copy thereof to the mast of the ship.

Any such order, notice, statement, or document, may be served by delivering a copy thereof personally to the person to be served, or by leaving the same at his last place of abode, or in the case of a master by leaving it for him on board the ship with the person being or appearing to be in command or charge of such ship.

Added by the Lords,

Added by the Lords. { Any person who obstructs the service of any order, notice, statement, or document on the master of a ship shall incur a penalty not exceeding ten pounds, and if the owner or master of the ship is party or privy to such obstruction he shall be guilty of a misdemeanor. A.D. 1876.

32. The name and address of the managing owner for the time being of every British ship registered at any port or place in the United Kingdom shall be registered at the custom house of the ship's port of registry. Ship's managing owner or manager to be registered.

10 Where there is not a managing owner there shall be so registered the name of the ship's husband or other person to whom the management of the ship is entrusted by or on behalf of the owner; and any person whose name is so registered shall, for the purposes of the Merchant Shipping Acts, 1854 to 1876, be under the same
15 obligations, and subject to the same liabilities, as if he were the managing owner.

If default is made in complying with this section the owner shall be liable, or if there be more owners than one each owner shall be liable in proportion to his interest in the ship, to a penalty not
20 exceeding in the whole one hundred pounds each time the ship leaves any port in the United Kingdom.

33. Whenever it has been made to appear to Her Majesty that the Government of any Foreign State is desirous that any of the provisions of the Merchant Shipping Acts, 1854 to 1876, *or of any*
25 *Act hereafter to be passed amending the same*, shall apply to the ships of such State, Her Majesty may by Order in Council declare that such of the said provisions as are in such Order specified shall (subject to the limitations, if any, contained in the Order) apply, and thereupon, so long as the Order remains in force, such pro-
30 visions shall apply (subject to the said limitations) to the ships of such State, and to the owners, masters, ~~officers, and crews,~~ *seamen, and apprentices* of such ships when not *locally* within the jurisdiction of such State, in the same manner in all respects as if such ships were British ships.

35 ~~It shall be lawful for Her Majesty from time to time by Order in Council to add to, alter, or repeal any Order made under this section.~~

Added by the Lords. { Where Her Majesty has power under the Merchant Shipping Act, 1854, or any Act passed or hereafter to be passed amending the same, to make an Order in Council, it shall be lawful for Her Majesty from time to time to make such Order in Council, and by Order in Council to revoke, alter, or add to any Order so made. CLAUSE E.
Provision as to Order in Council.

A.D. 1876. Every such Order in Council shall be published in the London Gazette, and shall be laid before both Houses of Parliament within one month after it is made, if Parliament be then sitting, or if not, within one month after the then next meeting of Parliament.

Upon the publication of any such Order in the London Gazette, the Order shall, after the date of such publication, or any later date mentioned in the Order, take effect as if it were enacted by Parliament.

Added by the Lords.

~~34. Nothing in this Act shall apply to any ships whilst on the inland waters of Canada.~~

10

Fees, salaries,
and costs.

35. On and after the first day of January one thousand eight hundred and seventy-seven all fees payable in respect of the survey or measurement of ships under the Merchant Shipping Acts, 1854 to 1876, or in respect of any services performed by any person employed under the authority of the Passengers Act, 1855, shall continue to be paid to the superintendent of a mercantile marine office at such times and in such manner as the Board of Trade from time to time direct, but shall be paid into the receipt of Her Majesty's Exchequer in such manner as the Treasury from time to time direct, and shall be carried to and form part of the Consolidated Fund of the United Kingdom. 15 20

On and after the same day the salaries of all surveyors appointed under the Merchant Shipping Acts, 1854 to 1876, and so much of the expenses connected with the survey and measurement of ships under those Acts, and of the salaries and expenses of persons employed under the Passengers Act, 1855, as has heretofore been paid out of the Mercantile Marine Fund, shall be paid out of moneys provided by Parliament, and the Treasury shall have the like control over such salaries and expenses as has heretofore been vested in the Board of Trade. 25 30

There may be paid out of moneys provided by Parliament, to any wreck commissioner, judge of a court of survey, assessor, registrar of a court of survey, detaining officer, scientific referee, and other officer or person appointed under this Act, such salary or remuneration (if any) as the Treasury from time to time direct. 35

There may be paid out of moneys provided by Parliament all costs and compensation payable by the Board of Trade in pursuance of this Act.

Legal pro-
ceedings in
case of
offences.

36. For the purpose of punishment, jurisdiction, and legal proceedings an offence under this Act shall be deemed to be an offence under the Merchant Shipping Act, 1854. 40

37. In the application of this Act to Scotland,

A.D. 1876.

The provision with respect to a prosecution not being instituted except by or with the consent of the Board of Trade shall not apply.

Application
of Act to
Scotland.

5 “Judge of a county court” shall be deemed to include a sheriff and sheriff substitute, and

“Registrar of a county court” shall be deemed to include sheriff clerk, and

10 “A master of the Supreme Court of Judicature” shall mean the Queen’s and Lord Treasurer’s Remembrancer.

38. In the application of this Act to Ireland,—

Application
of Act to
Ireland.

“Judge of a county court” shall be deemed to include “chairman of a county” and “the recorder of any borough”;

15 “Registrar of a county court” shall be deemed to include the clerk of the peace or registrar or other person discharging the duties of registrar of the court, of the chairman of a county, or the recorder of a borough;

20 “Stipendiary magistrate” shall be deemed to include any of the justices of the peace in Dublin metropolis and any resident magistrate; and

“A Master of the Supreme Court of Judicature” shall mean one of the masters of the Superior Courts of Common Law in Ireland.

39. In the application of this Act to the Isle of Man,—

25 “Judge of a county court” shall mean the water bailiff;

Application
of Act to Isle
of Man.

“Stipendiary magistrate” shall mean a high bailiff;

“Registrar of a county court” shall mean a clerk to a deemster or a clerk to justices of the peace;

30 “A master of the Supreme Court of Judicature” shall mean the clerk of the rolls.

Added by the Lords. { Nothing in this Act shall apply to any vessel employed exclusively in trading or going from place to place in any river or inland water of which the whole or part is in any British possession, and the provisions of this Act relating to deck cargo shall not apply to deck cargo carried by a ship while engaged in the coasting trade of any British possession.

CLAUSE F.
Saving for
colonial in-
land waters.

Repeal.

40. On and from the commencement of this Act the Acts specified in the first part of the schedule hereto, and on and from the first day of January one thousand eight hundred and seventy-seven, the Acts specified in the second part of the schedule hereto shall be repealed

Repeal of
Acts.

[271.]*

D 3

A.D. 1876. to the extent in the third column of that schedule mentioned:
— Provided that any officer appointed in pursuance of any such enactment shall be deemed to have been appointed under this Act, *and any Order in Council made in pursuance of any such enactment shall be deemed to have been made under this Act*, and this repeal 5 shall not affect—

- (1.) Any thing done or suffered ~~made~~ under any enactment hereby repealed; nor
- (2.) Any right, power, duty, obligation, or liability acquired, imposed, accrued, or incurred under any enactment hereby 10 repealed; nor
- (3.) Any penalty or punishment incurred in respect of any offence against any enactment hereby repealed; nor
- (4.) Any legal proceeding in respect of any such right, power, duty, obligation, liability, penalty, or punishment, and any 15 such legal proceeding may be carried on as if this Act had not passed.

SCHEDULE.

A.D. 1876.

PART I.

ENACTMENTS REPEALED FROM COMMENCEMENT OF ACT.

Session and Chapter.	Title.	Extent of repeal.
5 17 & 18 Vict. c. 104 -	The Merchant Shipping Act, 1854 -	Sub-section (4) of section three hundred and one; <i>so much of section three hundred and eighteen as requires the owner of a ship to transmit the declarations therein mentioned</i> ; section four hundred and thirty-four; and section four hundred and thirty-seven from "and in case he so requires" inclusive to the end of section; and section four hundred and forty-nine.
10		
15		
20		
25 34 & 35 Vict. c. 110 -	The Merchant Shipping Act, 1871 -	Section eleven.
36 & 37 Vict. c. 85 -	The Merchant Shipping Act, 1873 -	Sections <i>eleven</i> , twelve, thirteen, and fourteen.
38 & 39 Vict. c. 88 -	The Merchant Shipping Act, 1875 -	The whole Act.

PART II.

ENACTMENTS REPEALED FROM 1ST JANUARY 1877.

Session and Chapter.	Title.	Extent of repeal.
17 & 18 Vict. c. 104 -	The Merchant Shipping Act, 1854 -	Sub-section (2) of section four hundred and eighteen.
35		
35 & 36 Vict. c. 73 -	The Merchant Shipping Act, 1872 -	Section fourteen.

Merchant Shipping.

A.

B I L L

[WITH THE AMENDMENTS MADE BY
THE LORDS.]

To amend the Merchant Shipping Acts.

*Ordered, by The House of Commons, to be Printed,
25 July 1876.*

[Bill 271.]*

Under A. 02.

Merchant Shipping Acts Amendment Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clauses.

1. Short title.
2. Construction of Act.

Register of Seaworthiness.

3. Ships to be registered as seaworthy. Owner to obtain survey. Surveyor to specify repairs. Owner's appeal.

Grain Cargoes.

4. Stowage of cargo of grain, &c.

Deck Cargoes.

5. Space occupied by certain deck cargo to be liable to dues.

Deck and Load Lines.

6. Marking of deck-lines. Marking of load-line. Penalty for offences in relation to marks on ships. Board of Trade to examine if freeboard is sufficient. No further interference by Board of Trade.

Duties of Consuls.

7. Powers and duties of Consuls at foreign ports.

Signals.

8. Danger and distress signals at night.

Provisions.

9. Survey of provisions and medicines.

Iron.

10. Test of iron.

Repeal.

11. Repeal of Acts.

SCHEDULE.

A

B I L L

TO

Amend the Acts relating to Merchant Shipping.

A.D. 1876.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5

Preliminary.

1. This Act may be cited as the Merchant Shipping Act, 1876. Short title.

2. This Act shall be construed as one with the Merchant Shipping Act, 1854, and the Acts amending the same; and the said Acts and this Act may be cited collectively as the Merchant Shipping Acts, 1854 to 1876. Construction of Act.

10

Register of Seaworthiness.

3. Every British ship now on the register or hereafter registered, from and after *the first day of January one thousand eight hundred and seventy-seven*, unless it is then classed or registered as having been surveyed and repaired by Lloyd's Register Committee of British and Foreign Shipping, or by the Liverpool Underwriters Association for the Registry of Iron Vessels, or unless it is one the survey of which is provided for by any Act of Parliament then in force, or is specially exempted by order of the Board of Trade published in the London Gazette, shall, before proceeding to sea from a port in the United Kingdom, be registered in the manner by this Act prescribed, and no British ship shall, without a certificate of registration in manner aforesaid, clear outwards from any port in the United Kingdom. Ships to be registered as seaworthy.

15

20

(1.) Any officer of Customs may require the owner or master of any British ship (unless herein-after excepted), before proceeding to sea, from any port in the United Kingdom, to produce to him a certificate of registration in manner aforesaid, and in case such owner or

25

[Bill 34.]

A 2

A.D. 1876. master shall refuse to produce such certificate, such officer of Customs shall detain such ship until such certificate shall be produced.

Owner to
obtain
survey.

(2.) The owner of any British ship (not herein-after excepted) may call upon the surveyor appointed by the Board of Trade for the district in which such British ship is to survey the same, and such surveyor, on being paid by or on behalf of the owner such fees as the Board of Trade direct, shall survey such ship accordingly, and on the completion of such survey shall, if satisfied with the result thereof, cause such ship to be entered in a register, which the Board of Trade are hereby authorised and required to provide and keep, and such registration shall extend over such time as such surveyors shall think proper, and when such ship shall have been so entered such surveyor shall deliver to the owner a certificate of the registration of such ship and of the time during which such registration shall be in force and have effect.

Surveyor to
specify re-
pairs.

(3.) In case any such surveyor is not satisfied with the result of such survey, he shall deliver to the owner or master a requisition in writing containing the particulars of the works, or other matters in his judgment necessary for the repair of such ship, and the owner or master shall, before such ship shall be registered, comply with the terms of such requisition to the satisfaction of such surveyor, unless the Board of Trade shall, on the application of such owner or master, otherwise order and direct: Provided always, that if in the judgment of the owner or master such works or matters or any of them are unnecessary, such owner or master may apply to the Board of Trade, who may consult the said surveyor and such owner or master, or his representative, and the surveyor of the book under which such ship was built (if any), and the Board of Trade shall thereupon decide as to the necessity of such works or matters, or any of them, and the decision of the Board of Trade shall be final and conclusive.

Owner's
appeal.

(4.) Provided always, that if at any time it shall appear to the Board of Trade that the requirements for classification and registration in Lloyd's Registry of British and Foreign Shipping, or in the Liverpool Underwriters Registry for iron vessels, are not insufficient, or that any ships declared by any previously made order of the Board of Trade to be exempt from the said provisions should no longer continue to be so exempt, the Board of Trade may, by order to be published in the "London Gazette," declare that from and after the expiration of six months after the date of such last-mentioned order, the classification and registration in Lloyd's Registry of British and Foreign Shipping, or in the Liverpool Underwriters Registry

for iron vessels, or such previously made order of the Board of Trade, shall no longer have the effect of exempting vessels so classified or registered or exempted as aforesaid from the said provisions.

Nothing in this Act shall affect any power of the Board of Trade
5 to survey or to detain any ship under the authority of this or of any other Act of Parliament, save as herein-after provided in Clause 6.

The register of no British ship shall be closed after the passing of this Act unless such ship is either classified or registered as
10 surveyed and repaired as aforesaid.

Grain Cargoes.

4. No cargo of which more than one third consists of any kind of grain, corn, rice, paddy, pulse, seeds, nuts, or nut kernels (herein-after referred to as "grain cargo") shall be carried on board any
15 British ship, or into or out of any port in the United Kingdom on board any ship, unless such grain cargo be contained in bags, sacks, or barrels, or secured by shifting boards not less than two and a half inches in thickness running from the keelson or screw tunnel, as the case may be, longitudinally throughout the part of the ship
20 so loaded, and up to the underside of the planking of the deck next above the top of such grain cargo, and also by having not less than one fourth of such grain cargo in sacks or bags laid upon the surface of the remaining three fourths of such cargo loaded in bulk.

Stowage of cargo of grain, &c. 38 & 39 Vict. c. 88. s. 3.

If the managing owner or master of any British ship allows any
25 grain cargo or part of a grain cargo to be shipped therein for carriage contrary to the provisions of this section, or if the master of any ship carries into or loads in any port of the United Kingdom any grain cargo contrary to the provisions of this section, he shall for every such offence incur a penalty not exceeding if he is con-
30 victed on summary conviction *five hundred pounds*, and if he is convicted on indictment *five hundred pounds*.

Deck Cargoes.

5. No British ship trading beyond the limits of the United Kingdom and Isle of Man shall carry and no other ship shall carry
35 into or out of any port in the United Kingdom deck cargo, that is to say, in any uncovered space upon deck, or in any covered space not included in the cubical contents forming the ship's registered tonnage, timber, stores, or other goods (not being exempted goods herein-after mentioned).

Space occupied by certain deck cargo to be liable to dues.

40 Exempted goods are animals, fresh fish, fresh meat, vegetables, passengers luggage, empty packing cases, dangerous goods subject

A.D. 1876. to the provisions of the Merchant Shipping Act, 1873, and such
 36 & 37 Vict. other goods and in such quantities as may be declared by general
 c. 85. s. 23. orders of the Board of Trade to be such as can be only carried on
 deck, or can be carried on deck as or more safely than below. "If any
 "managing owner or master of any British ship trading beyond the 5
 "limits of the United Kingdom and the Isle of Man allows any
 "deck cargo to be carried contrary to the provisions of this section,
 "or if the master of any ship allows such cargo to be so carried into
 "or out of any port in the United Kingdom, he shall for every such
 "offence incur a penalty if he is convicted on summary conviction 10
 "of *five hundred pounds*, and if he is convicted on indictment *five*
 "*hundred pounds*, and all cargo then in such ship shall be liable to
 "be seized and forfeited to the Crown."

Deck and Load Lines.

Marking of
 deck-lines.
 38 & 39 Vict.
 c. 88. s. 5. 6. Every British ship (except ships under eight tons register 15
 employed solely in the coasting trade, ships employed solely in
 fishing, and pleasure yachts) shall be permanently and conspicuously
 marked with lines of not less than twelve inches in length and one
 inch in breadth, painted longitudinally on each side amidships, or
 as near thereto as is practicable, and indicating the position of 20
 each deck which is above water.

The upper edge of each of these lines shall be level with the
 upper side of the deck plank next the waterway at the place of
 marking.

The lines shall be white or yellow on a dark ground, or black on 25
 a light ground.

Marking of
 load-line.
 38 & 39 Vict.
 c. 88. s. 6. With respect to the marking of a load-line on British ships the
 following provisions shall have effect :

- (1.) The owner of every British ship (except ships under eighty
 tons register employed only in the coasting trade, ships 30
 employed solely in fishing, and pleasure yachts) shall, before
 entering his ship outwards from any port in the United
 Kingdom upon any voyage for which he is required so
 to enter her, mark upon each of her sides amidships, or as
 near thereto as is practicable, in white or yellow on a dark 35
 ground, or in black on a light ground, a circular disc,
 twelve inches in diameter, with a horizontal line eighteen
 inches in length, drawn through its centre :
- (2.) The centre of this disc shall indicate the maximum load-line
 in salt water to which the owner intends to load the ship : 40
- (3.) He shall also, upon so entering her, insert in the form
 of entry delivered to the collector or other principal

A.D. 1876.

officer of Customs a statement in writing of the distance in feet and inches between the centre of this disc and the upper edge of each of the lines indicating the position of the ship's decks which is above that centre, and shall transmit a copy of such statement to the Board of Trade :

(4.) If default is made in delivering this statement in the case of any ship, any officer of Customs may refuse to enter the ship outwards :

(5.) The master of the ship shall enter a copy of this statement in the agreement with the crew before it is signed by any member of the crew, and no superintendent of any mercantile marine office shall proceed with the engagement of the crew until this entry is made :

(6.) The master of the ship shall also enter a copy of this statement in the official log book :

(7.) When a ship has been marked as by this section required, she shall be kept so marked until her next return to a port of discharge in the United Kingdom.

(8.) Any owner or master of a British ship who neglects to cause his ship to be marked as by this Act required, or to keep her so marked, or who allows the ship to be so loaded as to submerge the centre of the disc, and any person who conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate, any of the said marks, except in the event of the particulars thereby denoted being lawfully altered, or except for the purpose of escaping capture by an enemy, shall for each offence incur a penalty not exceeding *five hundred pounds*, and any officer of Customs shall detain any ship which is so loaded as to submerge the centre of such mark.

Penalty for offences in relation to marks on ships.
38 & 39 Vict.
c. 88. s. 7.

If any of the marks required by this Act is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall incur a penalty not exceeding *two hundred pounds*.

(9.) The Board of Trade shall and they are hereby authorised and required to inquire into and ascertain whether such mark is placed in such position as to secure a sufficient freeboard for such ship, and if the Board of Trade are satisfied that such mark is placed in such position, they may prescribe the period during which such ship shall continue so marked ; and if the Board of Trade are of opinion that such mark is not so placed in such position, they shall

Board of Trade to examine if freeboard is sufficient.

A.D. 1876.

require the owner of such ship, on her next return to a port of discharge in the United Kingdom, to alter the position of such mark in such manner as the Board of Trade may direct, so as to secure a sufficient freeboard for such ship, and for this purpose may vary the diameter 5 of such disc according to the size of the vessel, so that the centre of the disc shall be the maximum load-line, and the bottom edge of it the load-line, in cases where the nature of the voyage and the nature of the cargo require for the safety of the vessel a greater amount of surplus buoyancy, 10 and shall prescribe the period during which such ship shall continue so marked :

No further
interference
by Board of
Trade.

- (10.) Whereupon no ship bearing an approved load-line of which the half at least is above the water, and no ship classed in Lloyd's Register or that of the Liverpool Underwriters, or 15 which has been surveyed and registered as seaworthy under this Act, shall be liable to detention by the officers of the Board of Trade on the ground of alleged unseaworthiness, arising from overloading, or from defective hull equipments or machinery. 20

Duties of Consuls.

Powers and
duties of
Consuls at
foreign ports.

7. It shall be the duty of the British Consul-General, Consul, or Vice Consul (herein-after referred to as "Consul,") at any port, to use all such means as may be in his power to prevent the ship- 25 ping of any grain cargo or deck cargo on board any British ship, or the loading of such British ship, contrary to the provisions of this Act, and for such purpose to employ competent persons to assist him in superintending British ships at such port.

Every such Consul and every such person so employed shall have full power and authority, for the purpose aforesaid, to go on board 30 any such British ship and inspect the same before, during, and after the loading of the same, and if in the opinion of such Consul the master of any British ship allows any grain cargo or deck cargo to be shipped on such ship contrary to the provisions of this Act, or allows such British ship to be loaded so that the maximum load-line 35 of such ship is below the surface of the water, or refuses to allow such Consul or any such person employed as aforesaid to go on board such British ship and inspect the same as aforesaid, or wilfully impedes such Consul or person in inspecting such ship in manner aforesaid, such Consul may withhold from such master the ship's 40 papers until he has complied with the provisions of this Act.

Such Consul, for the purpose of giving effect to the provisions of this section, may expend in respect of each such British ship any sum not exceeding forty shillings, which may be required for such purpose; and every such sum so expended shall be paid to such
 5 *Consul out of moneys to be provided by Parliament for such purpose.*

A.D. 1876.

Signals.

8. To ensure the efficiency of signals of distress at night, the following provisions shall be in force and have effect, and shall be in addition to the provisions of section eighteen of "The Merchant
 10 Shipping Act 1873," and of the Schedule One to the said Act annexed.

Danger and
distress
signals at
night.

Every British vessel shall carry two or more distress signal lights, having the official approval of the Board of Trade, which shall be self-igniting in water, and inextinguishable by wind and water,
 15 and showing a brilliant light for at least thirty minutes, and of such a character as to be visible at an elevation of twenty feet on a dark night with a clear atmosphere at a distance of at least six nautical miles; and every British ship shall also carry three or more life-buoy rescue lights, having the official approval of the
 20 Board of Trade, self-igniting in water and inextinguishable by wind or water, to burn not less than twenty-five minutes, and to be visible at an elevation of twenty feet on a dark night with a clear atmosphere at a distance of at least three nautical miles.

Provisions.

25 9. Before any British ship shall be cleared out the emigration officer at the port of clearance, or such other officer as the Board of Trade may for such purpose appoint, shall survey or cause to be surveyed the provisions, medicines, and water placed on board for the use of the crew and all other persons on board, and shall satisfy
 30 himself that the same are of a good, wholesome, and proper quality, and in good condition, and are in quantity sufficient for such crew and persons throughout the voyage; and if a clearance be obtained for any British ship which shall not then be stored with sufficient provisions, medicines, and water as required by this Act, the
 35 managing owner or master of such British ship, or either of them, shall for each offence be liable to a penalty not exceeding *two hundred pounds*.

Survey of
provisions
and medi-
cines.

Iron.

40 10. Where, after the first day of January one thousand eight hundred and seventy-seven, any iron is supplied to be used in the

Test of iron.

A.D. 1876. construction of any ship, or any ship is after the said day constructed of iron in whole or in part, the person to whom such iron is supplied or for whom such ship is constructed, or any agent of such person, may, at his own expense, test at any place licensed by the Board of Trade for testing chain cables and anchors, or to be licensed for the purposes of this section, any iron so supplied or used in the construction of such ship, and shall not be bound to accept such iron or ship (any contract notwithstanding) unless the iron so supplied or used in the construction of the ship be of quality equal to that required by the lowest test of quality in use by the Admiralty for the time being.

Repeal.

Repeal of
Acts.

11. *On and from the passing of this Act* the Acts specified in the Schedule hereto shall be repealed to the extent in the third column of that Schedule mentioned: Provided that this repeal shall not affect—

- (1.) Any thing done or suffered made under any enactment hereby repealed; nor
- (2.) Any right, power, duty, obligation, or liability acquired, imposed, accrued, or incurred under any enactment hereby repealed; nor
- (3.) Any penalty or punishment incurred in respect of any offence against any enactment hereby repealed; nor
- (4.) Any legal proceeding in respect of any such right, duty, obligation, liability, penalty, or punishment, and any such legal proceeding may be carried on as if this Act had not passed.

SCHEDULE.

A.D. 1876.

ENACTMENTS REPEALED FROM PASSING OF ACT.

Session and Chapter.	Title.	Extent of Repeal.
34 & 35 Vict. c. 110. -	The Merchant Shipping Act, 1871 -	Section eleven.
5 36 & 37 Vict. c. 85. -	The Merchant Shipping Act, 1873 -	Sections twelve, thirteen, and fourteen.
38 & 39 Vict. c. 88. -	The Merchant Shipping Act, 1875 -	The whole Act.

Merchant Shipping Acts Amendment.

A

B I L L

To amend the Acts relating to Merchant
Shipping.

*(Prepared and brought in by
Mr. Plimsoll, Mr. Roebuck, Mr. Stannard, and
Mr. Kirkman Hodgson.)*

*Ordered, by The House of Commons, to be Printed,
9 February 1876.*

[Bill 34.]

Under 2 oz.

Metropolis Gas Companies Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Preliminary.

Clause.

1. Short title.
2. Commencement of this Act.
3. Repeal of Acts.
4. Construction of Act.
5. Interpretation.
6. Fixing maximum price of gas, with sliding scale as to dividend
7. Existing preference shares and stocks not to be affected.

Illuminating Power.

8. Illuminating power.

Pressure of Gas.

9. Pressure of gas.

Referees.

10. Appointment of referees.
11. Continuance of referees.
12. Quorum, &c. of referees.
13. Certificates of referees.

Testing for Illuminating Power, Purity, and Pressure.

14. Mode and times of testing illuminating power.
15. Examination of gasworks by referees.
16. Access to works.
17. Purity of gas to be prescribed.
18. Mode and times of testing purity of gas.
19. Mode of measuring gas for public lamps.
20. Freedom of gas from sulphuretted hydrogen.
21. Provision of testing places and apparatus.
22. Control, &c. of testing places.
23. Separate testing place for gas company.

[Bill 28.]

Clause.

24. Description of burner for testing illuminating power.
25. Appointment of gas examiners.
26. Appointment of chief gas examiner.
27. Daily testing.
28. What shall be deemed illuminating power and pressure for each day.
29. Average of testings of purity.
30. Representation of gas company.
31. Daily reports and access to books.
32. Appeal to chief gas examiner.
33. Where no appeal, report of examiner final.

Reports of Chief Gas Examiner.

34. Quarterly report of chief gas examiner.

Forfeitures.

35. Register of gas made.
36. Forfeiture for defect of power.
37. Forfeiture for excess of impurity.
38. Forfeiture for insufficiency of pressure.
39. Saving for unavoidable accident, &c.
40. Evidence of liability to forfeiture.
41. Forfeitures and losses from fraud to be borne by dividend.

Accounts.

42. Auditor of accounts.
43. Ascertainment of capital of gas companies.
44. Form of accounts.
45. Periodical audit.
46. Facilities for auditor, &c.
47. Power for Corporation and Metropolitan Board to appear before auditor.
48. Arbitration between parties.

Dividends.

49. If profits exceed the amount limited, excess to be invested and form an insurance fund.

Clause.

- 50. Application of excess of profits over prescribed rate of dividend.
- 51. Power to create a reserve fund out of dividends in excess of the "prescribed rate of dividend."
- 52. Application of reserve fund.
- 53. As to conversion of borrowed money into capital.

Miscellaneous.

- 54. Governors for street lamps.
- 55. Limit of charge for gas supplied to public lamps.
- 56. Gas company to make a map of mains and appliances beneath the public ways.
- 57. Penalty on gas company for default.
- 58. Deposit in case of dispute.

Expenses of Execution of Act.

- 59. Remuneration and expenses of gas referees, &c.
- 60. Remuneration and expenses of gas examiners.

Costs.

- 61. Expenses of Act.

SCHEDULES.

A

B I L L

TO

Amend the Metropolis Gas Act, 1860 ; to make further provision for regulating the supply of Gas within the limits of the said Act ; and for other purposes relating thereto. A.D. 1876.

WHEREAS the “Metropolis Gas Act, 1860,” was passed for the better regulation of the supply of gas to the metropolis by the several gas companies in the said Act mentioned :

And whereas “The City of London Gas Act, 1868,” was passed to amend the Metropolis Gas Act, 1860, so far as it related to the city of London, and to three of the said companies, that is to say, the Gaslight and Coke Company, the City of London Gaslight and Coke Company, and the Great Central Gas Consumers Company, by which companies the city of London was then supplied with gas, as in the said Act recited, and to make better provision respecting the supply of gas within the city of London :

And whereas under the provisions of the City of London Gas Act, 1868, the City of London Gaslight and Coke Company and the Great Central Gas Consumers Company have been amalgamated with the Gaslight and Coke Company :

And whereas under the Gaslight and Coke Company’s Act, 1871, the Gaslight and Coke Company have acquired the undertakings of other two of the said companies, that is to say, of the Equitable Gas Company and of the Western Gaslight Company (Limited) :

And whereas the several gas companies specified in the first schedule to this Act annexed are now supplying gas within the limits of the Metropolis Gas Act, 1860, subject to different conditions, obligations, and liabilities :

And whereas for the purpose of securing within the limits of the Metropolis Gas Act, 1860, a proper supply of gas subject as nearly as may be to uniform conditions, and of settling the terms of such supply, it is expedient that the Metropolis Gas Act, 1860, should be amended, and that all the said gas companies should be made

[Bill 28.]

A

A.D. 1876. — subject to the same obligations and liabilities, and that for such purpose the City of London Gas Act, 1868, should be repealed and provisions such as are in this Act contained should be made :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and 5 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows, that is to say :

Preliminary.

- | | | |
|-----------------------------------|---|----|
| Short title. | 1. This Act may be cited for all purposes as "The Metropolis Gas Act, 1876." | 10 |
| Commence-
ment of this
Act. | 2. This Act shall commence and have effect on and after the first day of January one thousand eight hundred and seventy-seven. | |
| Repeal of
Acts. | 3. Such parts of the Metropolis Gas Act, 1860, as are described in the second schedule to this Act annexed, the whole of the City of London Gas Act, 1868, and such parts of any special Act of any 15 gas company as are inconsistent with this Act, shall, so far as they relate to and are in force within the limits of the Metropolis Gas Act, 1860, be and the same are hereby repealed : Provided always, that such repeal shall not affect anything duly done or suffered before the commencement of this Act under any enactment hereby repealed. | 20 |
| Construction
of Act. | 4. Such parts of the Metropolis Gas Act, 1860, as are not repealed by this Act shall be read throughout as if the Board of Trade had been inserted therein instead of one of Her Majesty's Principal Secretaries of State, and as amended by this Act the same and this Act shall be construed together as one Act. | 25 |
| Interpreta-
tion. | 5. In this Act, except as herein otherwise expressly provided, words and expressions to which by the Metropolis Gas Act, 1860, meanings are assigned, have the same respective meanings.
The term "the city" means the city of London and the liberties thereof :
The term "corporation" means the mayor and commonalty and citizens of the city of London, and any power given to them may be exercised by the mayor, aldermen, and commons in common council assembled :
The term "Metropolitan Board" means the Metropolitan Board 35 of Works :
The term "special Act" in relation to any gas company means and includes every and any Act of Parliament relating to such gas company : | 30 |

The term "prescribed rate of dividend" in relation to any gas company means and includes the rate or rates of dividend on the ordinary stock or share capital of such gas company limited by the provisions of the special Act: A.D. 1876.

5 The term "day" means (except in this section) twenty-four hours reckoned from nine o'clock in the forenoon of one day to nine o'clock in the forenoon of the next following day, so much of each day as is before nine o'clock in the forenoon being reckoned as part of the immediately preceding day of the month or week:

10 The term "common gas" means gas of an illuminating power of not less than sixteen candles:

The term "cannel gas" means gas of an illuminating power of not less than twenty candles:

15 The expression "local authority" shall mean and include the Commissioners of Sewers of the city of London and the Metropolitan Board, vestries, and district boards appointed under an Act of the session of the eighteenth and nineteenth years of the reign of Her present Majesty, chapter one hundred and twenty, for the local management of the metropolis.

6. The standard price to be charged by a gas company for gas supplied by them shall be, for common gas three shillings and ninepence per one thousand cubic feet, and for cannel gas four shillings and ninepence per one thousand cubic feet: Provided that a gas company may increase or diminish such standard price subject to a decrease or increase in the prescribed rate of dividend, to be calculated as follows:

Fixing maximum price of gas, with sliding scale as to dividend.

30 For every penny or part of a penny charged in excess or in diminution of such standard price in any year, the said prescribed rate of dividend shall for such year be reduced or increased by five shillings in the hundred pounds per annum.

7. The rates of dividend payable at the time of the passing of this Act by any gas company in respect of any preference shares or preference stock of such company created under the authority of any Act of Parliament in force at the time of the passing of this Act shall not be increased or diminished.

Existing preference shares and stocks not to be affected.

Illuminating Power.

8. The gas supplied by each gas company shall with respect to its illuminating power be such as to produce, when consumed at

Illuminating power.

A.D. 1876. the rate of five cubic feet per hour in the burners hereafter prescribed,—

In the case of common gas, a light equal in intensity to the light produced by sixteen candles; and

In the case of cannel gas, a light equal in intensity to the light produced by twenty candles;

such candles being sperm candles of six to the pound, each burning one hundred and twenty grains an hour.

Pressure of Gas.

Pressure of gas.

9. All gas supplied by a gas company to a private customer shall (except in case of accident or repairs) be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and to balance from sunset to midnight a column of water not less than one inch in height.

15

Referees.

Appointment of referees.

10. The Board of Trade shall, as soon as may be after the passing of this Act, appoint three competent and impartial persons, one at least of them having practical knowledge and experience in the manufacture and supply of gas, who shall be called "the gas referees" (and who are in this Act referred to as "the gas referees"), and in case of a vacancy happening among them by death, resignation, or otherwise, shall appoint a competent and impartial person to fill the vacancy, one at least of the three being always qualified as aforesaid.

25

Continuance of referees.

11. Every person appointed to be one of the gas referees shall continue in office for one year only from the date of his appointment, but shall be capable of re-appointment.

Quorum, &c. of referees.

12. Two of the gas referees shall be a quorum, and at least two of the referees shall concur in every act or determination of the referees.

Certificates of referees.

13. A copy of each certificate of the gas referees required by this Act shall be sent by them to the corporation, the Metropolitan Board, and each of the gas companies.

Testing for Illuminating Power, Purity, and Pressure.

35

Mode and times of testing illuminating power.

14. The gas referees shall, subject to the provisions of this Act, from time to time prescribe and certify the mode to be adopted for testing and recording the illuminating power and pressure of gas

supplied by the gas companies, and the number of the times of A.D. 1876.
testing.

15. The gas referees shall with all practicable speed after their appointment, and the gas referees for the time being may from
5 time to time thereafter, inspect the works of the several gas companies and investigate the processes of manufacture carried on therein, with the view of ascertaining the means adopted therein for purifying gas and for preventing nuisance, and may from time to time apply all such tests as they think expedient, at the works
10 of the gas companies or elsewhere, for ascertaining the amount of sulphur and ammonia and of compounds thereof, or other impurity with which gas supplied by them is charged.

Examination
of gasworks
by referees.

16. The gas companies shall give to the gas referees and each of them, and each of their clerks, servants, and workmen, access to
15 their respective works, and shall when required afford to them and each of them all facilities for the proper execution of their duty.

Access to
works.

17. The gas referees shall from time to time ascertain with what degree of purity each gas company can reasonably be required to make and supply gas continuously without occasioning a nuisance to the neighbourhood in which the works are situate, and shall thereupon prescribe and certify the maximum amount of impurity in each form with which gas supplied by such gas company shall be allowed to be charged, and the time from which the allowance thereof shall be enforced as against such gas company,
20 regard being had to the necessity for any alteration of works by such gas company consequent on any such certificate.

Purity of
gas to be
prescribed.

18. The gas referees shall from time to time prescribe and certify the mode to be adopted for testing and recording the purity of gas supplied by each gas company, and the number of the
30 times of testing such purity.

Mode and
times of test-
ing purity of
gas.

19. The gas supplied by any gas company for public lighting shall, if required by either the local authority consuming or the gas company supplying such gas, be supplied by measurement; and the referees shall, if required by either party, from time to
35 time prescribe and certify the mode of ascertaining the quantity of gas consumed by the public lamps.

Mode of
measuring
gas for public
lamps.

20. Gas supplied by the gas companies shall be wholly free from sulphuretted hydrogen, and nothing in this Act shall authorise the gas referees to allow of gas being charged with any amount of
40 impurity in that form.

Freedom of
gas from
sulphuretted
hydrogen.

- A.D. 1876. **21.** The gas referees shall from time to time prescribe and certify the situation and number of the testing places and the apparatus and materials therein for testing the illuminating power, purity, and pressure of the gas to be provided by each gas company, one such place being prescribed in each separate district in which the gas is consumed for every station from which gas is supplied in such district, and each gas company shall provide and maintain such testing places, apparatus, and materials accordingly. 5
- Provision of testing places and apparatus.
- 22.** The prescribed testing places, materials, and apparatus provided by the gas companies shall be under the control and management of the Corporation or the Metropolitan Board, according as the same are situate within the city or elsewhere. 10
- Control, &c. of testing places.
- 23.** A gas company providing a prescribed testing place may also have a separate testing place in the same building under their own control and management. 15
- Separate testing place for gas company.
- 24.** The burner for testing common gas shall be a Sugg's London Argand, such as immediately before the passing of this Act was the burner prescribed and used by the gas referees in pursuance of the City of London Gas Act, 1868, for testing gas, and three or more models of which shall be certified as such by the President of the Board of Trade, whereof one shall be deposited with the Warden of the Standards, one with the Metropolitan Board, and one with the Commissioners of Sewers of the City of London. 20
- Description of burner for testing illuminating power.
- 25.** The Corporation within the city, and the Metropolitan Board elsewhere, shall, as soon as may be after the commencement of this Act, respectively appoint and shall always keep appointed a competent and impartial person or persons to be a gas examiner or gas examiners for the several testing places within their respective jurisdictions. 25 30
- Appointment of gas examiners.
- 26.** There shall be a chief gas examiner, being a competent and impartial person, from time to time appointed by and removable by the Board of Trade.
- Appointment of chief gas examiner.
- 27.** A gas examiner shall at each testing place make daily such number of tests as the gas referees may prescribe for ascertaining that during the whole of each day the illuminating power, purity, and pressure of the gas supplied by the gas company are such as are respectively prescribed under this Act, and in the event of the same being ascertained to be defective in any particular he shall forthwith give notice thereof to the gas company. 35 40
- Daily testing.

A.D. 1876.

28. The average of all the testings of illuminating power and pressure on each day shall be deemed to represent the illuminating power and pressure respectively on that day.

What shall be deemed illuminating power and pressure for each day.

29. The average of all the testings of purity on three successive days shall be deemed to represent the purity on each of such days.

Average of testings of purity.

30. Any gas company may, if they think fit, on each occasion of the testing by a gas examiner of the gas supplied by them, be represented by some officer, but such officer shall not interfere in the testing.

Representation of gas company.

31. Each gas examiner shall on each day make and deliver a report of the result of the testings of the gas supplied by any gas company, conducted by him on the immediately preceding day, to the Corporation, to the Metropolitan Board, to the chief gas examiner, and to such gas company, and the books kept by a gas examiner for recording the results of the testings of such gas by him shall be open at all reasonable times to the inspection of such gas company without payment.

Daily reports and access to books.

32. If a gas company think themselves aggrieved by any report of a gas examiner, they may, within seven days after the day to which the report relates, appeal to the chief gas examiner, whose decision (after hearing the parties) shall be final and conclusive, and the chief gas examiner shall report every such decision to the Corporation and to the Metropolitan Board.

Appeal to chief gas examiner.

33. If in any case a gas company do not appeal as aforesaid the report of the gas examiner shall be final and conclusive.

Where no appeal report of examiner final.

Reports of Chief Gas Examiner.

34. Within one week after the end of each quarter of a year the chief gas examiner shall make a report to the Corporation, the Metropolitan Board, and to each gas company on the results of the daily testings made in that quarter in connexion with each station of such gas company, and shall state therein with respect to gas supplied by such gas company from each station in that quarter,—

Quarterly report of chief gas examiner.

(1.) The illuminating power on each day ;

(2.) The amount of impurity in each form on each day ;

(3.) The pressure on each day.

Forfeitures.

35. Each gas company shall keep a register of all the gas made by them at each station on each day, and shall afford access thereto

Register of gas made.

A.D. 1876. at all reasonable times to the Corporation and the Metropolitan Board and their respective agents, and if any gas company at any time fail to comply with this section, they shall for every such offence forfeit a sum not exceeding fifty pounds.

Forfeiture
for defect of
power.

36. If on any day the gas supplied by a gas company from any station is of less illuminating power than it ought to be under this Act, the gas company shall be liable to the following forfeitures :

For the first half of a candle of defective power, forty shillings ;

For the first and every subsequent candle of defective power ; a sum equal to the value of the defective power estimated at the rate of twenty shillings for every half candle of defective power on every one hundred thousand cubic feet or any fractional part less than one hundred thousand cubic feet of gas, whether cannel gas or common gas, respectively made at that station on the day of default.

15

Forfeiture
for excess of
impurity.

37. If on any day the gas supplied by a gas company from any station is of less purity than it ought to be under this Act, such gas company shall forfeit a sum of fifty pounds for each station in respect of which they are so in default.

Forfeiture
for insuffi-
ciency of
pressure.

38. If on any day the gas supplied by a gas company from any station is supplied at a pressure less than it ought to be under this Act, such gas company shall forfeit a sum not exceeding ten pounds for each station in respect of which they are so in default.

Saving for
unavoidable
accident, &c.

39. No forfeiture shall be incurred in any case with respect to which it is certified by the chief gas examiner that the defect of illuminating power, excess of impurity, or insufficiency of pressure was occasioned by an unavoidable cause or accident.

Evidence of
liability to
forfeiture.

40. The report of the chief gas examiner on appeal, or the report of a gas examiner after the time for appeal has elapsed and no appeal has been brought, showing a case of defective power, excessive impurity, or insufficient pressure, shall be conclusive evidence of the liability of the gas company in respect of which the same shall have been made to a forfeiture in respect thereof, and every forfeiture under this Act shall be leviable by distress, and on proof of any such report before two justices or a magistrate, at any time within one month after the date of the report, such justices or magistrate shall issue their or his warrant of distress accordingly.

Forfeitures
and losses
from fraud to

41. Every such forfeiture and any loss arising from fraud of the servants of any gas company, which the auditor (appointed as

40

in this Act provided) shall certify has arisen from want of due diligence on the part of the directors, shall be borne and paid, to the satisfaction of such auditor, exclusively by and out of the divisible profits of the gas company by whom such forfeiture or loss is incurred and by way of reduction of dividend.

A.D. 1876

be borne by dividend.

Accounts.

42. There shall be an auditor of the accounts of the gas companies, being a competent and impartial person, from time to time appointed by and removable by the Board of Trade.
43. The auditor shall with all practicable speed after the commencement of this Act investigate the accounts of the gas companies and ascertain and certify the amounts of their capitals, distinguishing share from loan capital, and shall from time to time as new capital shall be expended in like manner ascertain and certify such new capital.
44. The auditor shall from time to time prescribe a uniform form of accounts to be kept by the gas companies.
45. The auditor shall during every half year, as and when he thinks fit, inspect the accounts of the gas companies and audit the same, and if he finds the same correct he shall certify the same respectively, but if in any instance he finds the accounts incorrect in principle or in detail he shall require the gas company to correct the same in such manner as he thinks right, and he may, if he thinks fit, grant a conditional certificate so as to authorise the payment of a dividend subject to correction, if need be, and, except in the case of a conditional certificate, a dividend shall not in any case be declared until the accounts are certified by the auditor.
- The accounts as and when certified shall be forthwith laid before both houses of Parliament if Parliament be then sitting, and if Parliament be not then sitting within seven days after the commencement of the then next session of Parliament.
46. Each gas company shall give to the auditor, his clerks and assistants, access to the books and documents of such gas company, and shall when required furnish to him or them all vouchers and information requisite for the purposes of the audit, and shall afford to him and them all facilities for the proper execution of his and their duty.
47. A copy of the accounts before the auditor shall certify the same shall be forwarded to the Corporation and the Metropolitan Board, and the Corporation and the Metropolitan Board may, in

Auditor of accounts.

Ascertainment of capital of gas companies.

Form of accounts.

Periodical audit.

Facilities for auditor, &c.

Power for corporation and Metropolitan Board to appear before auditor.

A.D. 1876. — case they shall so desire, appear before the auditor, and before certifying the accounts the auditor shall, if required, hear the Corporation and the Metropolitan Board and the gas company with respect to any matter relating to such audit or accounts.

Arbitration
between
parties.

48. If the Corporation, the Metropolitan Board, or any gas company think themselves aggrieved by any act or determination of the auditor, the matter in difference shall be referred to the determination of an arbitrator to be agreed on between the parties, or in default of agreement to be appointed on the application of any of the parties by the Lord Chief Justice of the Court of Common Pleas, and the reference shall be subject and according to the provisions of the Common Law Procedure Act, 1854, and the costs of the arbitration shall be in the discretion of the arbitrator, whose decision shall with respect to all such matters be final and conclusive, and subject to this provision the directions and determinations of the auditor shall be observed.

Dividends.

If profits
exceed the
amount limited,
excess to
be invested
and form an
insurance
fund.

49. If the clear profits of the undertaking of any gas company in any year amount to a larger sum than is sufficient to make up the rate of dividend by this Act authorised, the excess beyond the sum necessary for such purpose shall from time to time, to the extent of one pound per centum per annum upon the paid-up capital of such gas company, be invested in Government or other securities, and the dividends and interest arising from such securities shall also be invested in the same or like securities, in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one twentieth of the paid-up capital of such gas company, which sum shall form an insurance fund to meet any extraordinary claim or demand which may at any time arise against such gas company from accident which, in the opinion of the auditor, due prudence and management could not have prevented; and if such fund be at any time reduced, it may thereafter be again made up to the said sum, and so from time to time as often as such reduction shall happen; provided that when and so often as the said fund shall reach one twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend.

Application
of excess of
profits over
prescribed
rate of dividend.

50. If the clear profits of the undertaking of any gas company in any year amount to a larger sum than is sufficient to make up the rate of dividend by this Act authorised, and to form or make

up the insurance fund by this Act authorised, the excess shall be carried to the credit of the divisible profits of such undertaking for the next following year. A.D. 1876.

- 51.** Where in any year the amount of the prescribed rate of dividend of any gas company shall by reason of a decrease in the standard price charged by such gas company in such year be increased, then out of the amount of the divisible profits of such company applicable to the payment of such increase, such gas company may in such year, set apart such sum as they shall think fit.
- Power to create a reserve fund out of dividends in excess of "the prescribed rate of dividend."

- 52.** All sums (if any) so set apart by any gas company, and the reserve fund or reserved fund (if any) of any gas company existing at the time of the passing of this Act shall be called "the reserve fund" of such gas company, and shall be applicable to the payment of dividend in any year in which the clear profits of such company shall be insufficient to enable the company in such year to pay the rate of dividend authorised by this Act; save as aforesaid, no sum shall in any year be carried by any company to any reserve or reserved fund, anything in the special Act of that company to the contrary notwithstanding.
- Application of reserve fund.

- 53.** A gas company shall not raise any moneys by their special Acts or any of them authorised to be borrowed on mortgage, or any part of such moneys, by the creation of shares or stock instead of borrowing, or convert into capital the amount borrowed under the provisions of their special Acts, or any of them, unless in either case all dividends upon such shares or stock, whether ordinary or preferential, are limited to a rate not exceeding five pounds per centum per annum.
- As to conversion of borrowed money into capital.

Miscellaneous.

- 54.** A gas company supplying gas to public lamps or the local authority may at their own expense cause to be affixed to each lamp the instrument known as a street lamp governor, and the gas company or the local authority, as the case requires, shall be entitled to have access thereto for the purpose of examining the same, and in case any dispute arises between such gas company and the local authority with reference to the affixing, operation, or inspection of governors, the same shall be referred to the determination of the chief gas examiner, whose decision shall be final and conclusive.
- Governors for street lamps.

- 55.** A gas company shall not charge a higher price per one thousand cubic feet for gas supplied to a local authority than the
- Limit of charge for gas supplied to public lamps.

A.D. 1876. lowest price per one thousand cubic feet charged by them at the same time to any private customer, but if the gas company contend as against the local authority that there are special circumstances justifying them in charging a lower price to any other customer, the question whether or not such lower price shall be taken 5 as the standard for the price to be charged to the local authority shall be determined by arbitration, and the price fixed by such arbitration shall continue for two years at least.

Arbitrations under this section shall be conducted in the manner prescribed by the Lands Clauses Consolidation Act, 1845, 10 with respect to the settlement of disputes by arbitration.

Gas com-
pany to
make a map
of mains and
appliances
beneath the
public ways.

56. Each gas company shall, within six months after the passing of this Act, provide a map of the district within which their mains or pipes may be laid, to a scale of not less than five feet to a mile, and shall show thereupon the lines, sizes, and depth beneath the 15 surface of all their existing mains or pipes, excepting the service pipes to separate houses, and the positions of all valves, syphons, and other appliances, and shall once in every year, on or before the thirty-first day of December, correct such map and make such alterations in or additions thereto as may be necessary to show 20 correctly as near as may be the lines, positions, sizes, and depths of the various pipes and also their appliances, and shall keep such map in the principal office of such gas company, and the same shall be open to the inspection of the local authorities and their officers and to the public generally, who may inspect or take copies of or 25 extracts from the same, and such gas company may charge and take the sum of one shilling for each inspection of such map, and the further sum of two shillings and sixpence for each extract, tracing, or copy taken of such map.

Penalty on
gas company
for default.

57. If any gas company fail to comply with any of the require- 30 ments of this Act in respect of such map, they shall for every such offence forfeit and pay any sum which two justices of the peace may adjudge, not exceeding the sum of fifty pounds.

Deposit in
case of dis-
pute.

58. Where a dispute arises between a gas company and one of their customers respecting any payment to be made to the gas 35 company, if the customer deposits with the gas company by way of security the amount claimed by them it shall not be lawful for the gas company to discontinue a supply of gas to the customer by reason of the dispute; but nothing herein shall authorise a gas company where such deposit is not made to discontinue a supply of 40 gas to the customer in any case in which they would not have been authorised to do so if this Act had not been passed.

Expenses of Execution of Act.

A.D. 1876.

59. The remuneration of the gas referees and of the chief gas examiner and of the auditor shall be such as the Board of Trade from time to time direct, and the same and all expenses properly incurred by them in or about the execution of their duties shall be paid by the gas companies, and shall be from time to time apportioned by the Board of Trade among the gas companies in proportion to the amount of their paid-up share capitals, and the amount so apportioned to each gas company shall be paid by such gas company on demand to such fund or account and in such manner as the Board of Trade from time to time direct, and shall be a debt due from the gas company to the Crown, and shall be recoverable accordingly with costs.

Remuneration and expenses of gas referees, &c.

60. The remuneration of the gas examiners and all expenses incurred by them in executing their duties shall be paid by the Commissioners of Sewers of the City of London or Metropolitan Board according as such gas examiners may have been appointed by the Corporation or the Metropolitan Board as part of the expense of the execution of the Acts relating to the said Commissioners and Metropolitan Board respectively.

Remuneration and expenses of gas examiners.

20

Costs.

61. All costs, charges, and expenses incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Corporation and the Metropolitan Board in such proportions as they may agree upon.

Expenses of Act.

A.D. 1876.

The SCHEDULES to which the foregoing Act refers.FIRST SCHEDULE.

1. The Gaslight and Coke Company.
2. The Imperial Gaslight and Coke Company.
3. The South Metropolitan Gaslight and Coke Company. 5
4. The Commercial Gaslight and Coke Company.
5. The Independent Gaslight and Coke Company.
6. The London Gaslight Company.
7. The Phoenix Gaslight and Coke Company.
8. The Ratcliffe Gaslight and Coke Company. 10
9. The Surrey Consumers Gas Company.

SECOND SCHEDULE.PARTS OF METROPOLIS GAS ACT, 1860, REPEALED.

Section two, as far as it incorporates the provisions of the Gasworks Clauses Act, 1847, with respect to the amount of profit to be received by the undertakers from the gasworks carried on for their benefit, or imposes any restriction on a gas company in respect of the rate of dividend. 15

So much of section four as defines the meaning of the expression "local authority" and of the words "common gas" and "cannel gas." 20

Sections seven to twelve, both inclusive.

Sections twenty-five to thirty-four, both inclusive.

Sections thirty-seven and thirty-eight.

Sections forty to forty-four, both inclusive. 25

Metropolis Gas Companies.

A

B I L L

To amend the Metropolis Gas Act, 1860;
to make further provision for regu-
lating the supply of Gas within the
limits of the said Act; and for other
purposes relating thereto.

*(Prepared and brought in by
Sir James Hogg, Sir Andrew Lush,
and Mr. Golding.)*

*Ordered, by The House of Commons, to be Printed,
9 February 1876.*

[Bill 28.]

Under 3 oz.

Metropolis Gas (Surrey Side) Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.

1. Short title.
2. Interpretation.
3. Commencement of Act.
4. Repeal of Acts.
5. Application of capital.
6. Capital of the Companies defined.

Additional Capital.

7. Power to raise additional capital.
8. New shares or stock subject to same incidents as other shares or stock.
9. New shares to be offered by auction or tender.
10. As to notice to be given, as to sale, &c. of shares.
11. Shares not sold by auction or by tender to be offered to shareholders.
12. Application of premium arising on issue of shares or stock.
13. Power to borrow.
14. Restrictions on raising additional capital.

Price of Gas.

15. Fixing maximum price of common gas with sliding scale as to dividend.
16. Maximum price of cannel gas.
17. If profits exceed the amount limited, excess may be invested and form an insurance fund.
18. Application of excess of profits over standard rate of dividend.
19. Power to create a reserve fund out of dividends in excess of the standard rate of dividend and application thereof.
20. As to conversion of borrowed money into capital.

Illuminating Power.

21. Illuminating power.

[Bill 204.]

Pressure of Gas.

Clause.

22. Pressure of gas.

Testing for Illuminating Power, Purity, and Pressure.

23. Mode and times of testing illuminating power and pressure.
24. Examination of gasworks by referees.
25. Access to works.
26. Purity of gas to be prescribed.
27. Mode and times of testing purity of gas.
28. Mode of measuring gas for public lamps.
29. Freedom of gas from sulphuretted hydrogen.
30. Provision of testing places and apparatus.
31. Control, &c. of testing places.
32. Separate testing place for Company.
33. Description of burner for testing illuminating power.
34. Appointment of gas examiners.
35. Appointment of chief gas examiner.
36. Daily testing.
37. What shall be deemed illuminating power for each day.
38. Pressure.
39. Average of testings of purity.
40. Representation of companies.
41. Daily reports and access to books.
42. Appeal to chief gas examiner.
43. Where no appeal, the report of examiner final.

Reports of Chief Gas Examiner.

44. Quarterly report of chief gas examiner.

Forfeitures.

45. Register of gas made.
46. Forfeiture for defect of power.
47. Forfeiture for excess of impurity.
48. Forfeiture for insufficiency of pressure.
49. Saving for unavoidable accident, &c.
50. Evidence of liability to forfeiture.
51. Forfeiture and losses from fraud, &c.

Audit of Accounts.

Clause.

52. Auditor of accounts.
53. Ascertainment of capital of company.
54. Form of accounts.
55. Periodical audit.
56. Facilities for auditor, &c.
57. Arbitration between parties.
58. Penalties not to be cumulative.

Acquisition of Land.

59. The Gas Companies may take land by agreement.
60. Duties of the Commissioner.

Amalgamation.

61. Scheme by companies for amalgamation.
62. With whom companies may amalgamate.
63. Examination of scheme by Board of Trade.
64. Confirmation of scheme.
65. Provisions for compensation, &c.
66. Provisions of scheme as to capital.
67. Meaning of "gas company."
68. Sale of copies of scheme.

*Special Provisions with respect to the London Gaslight Company
and the Surrey Consumers Gas Company.*

69. London and Surrey Consumers Companies may make up their reserve funds under certain conditions.

*Special Provision relating to the Phoenix Gaslight and Coke
Company.*

70. Maximum rate of interest on already authorised debenture stock.
71. Expenses of Act.

SCHEDULES.

A
B I L L

TO

Amend the Laws regulating the supply of Gas by the A.D. 1876.
Phoenix Gaslight and Coke Company, the London Gaslight
Company, and the Surrey Consumers Gas Company, and
to grant further powers to those Companies.

WHEREAS by the Metropolis Gas Act, 1860, provision was
made for regulating the supply of gas to the Metropolis :

And whereas the said Act so far as it affected the Phoenix Gas-
light and Coke Company was amended by the Phoenix Gas Act,
5 1864, and so far as it affected the London Gaslight Company by the
London Gaslight Act, 1866, and so far as it affected the Surrey
Consumers Gas Company by the Surrey Consumers Gas Company's
Act, 1863 :

And whereas it is expedient that the recited Acts and the other
10 Acts relating to the said Companies should be amended, and that
further powers should be conferred on the said Companies with
respect to the taking and using of lands, the raising of capital, and
other matters, and the Companies affected by this Act on the sug-
gestion of the Board of Trade have assented to the provisions therein
15 contained, but the same cannot be effected without the authority
of Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled, and
20 by the authority of the same, as follows ; (that is to say,)

Preliminary.

1. This Act may be cited for all purposes as " The Metropolis Short title.
Southern Companies Gas Act, 1876."

2. In this Act—

25 The term " Metropolitan Board " means the Metropolitan Board
of Works :

[Bill 204.]

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Interpreta-
tion.

A.D. 1876.

The term "special Act" in relation to any Gas Company means and includes every and any Act of Parliament relating to such Gas Company :

The term "standard rate of dividend" in relation to any Gas Company means and includes the rate or rates of dividend 5 on the ordinary stock or share capital of such Gas Company limited by the provisions of the special Act :

The term "day" means (except in this section) twenty-four hours reckoned from nine o'clock in the forenoon of one day to nine o'clock in the forenoon of the next following day, so much 10 of each day as is before nine o'clock in the forenoon being reckoned as part of the immediately preceding day of the month or week :

The term "common gas" means gas of an illuminating power of not less than sixteen candles : 15

The term "cannel gas" means gas of an illuminating power of not less than twenty candles :

The term "undertaking" includes all real and personal property, rights, easements, and privileges :

The term "the Gas Companies" shall mean the Phoenix Gaslight 20 and Coke Company, the London Gaslight Company, and the Surrey Consumers Gas Company :

The term "Gas Company" shall mean one of the said Companies.

Commence-
ment of Act.

3. This Act shall commence and take effect on and after the *first* 25 day of *January* one thousand eight hundred and seventy-seven.

Repeal of
Acts.

4. Such parts of the Metropolis Gas Act, 1860, as are described in the first schedule to this Act annexed and such parts of any special Act of any Gas Company as are inconsistent with this Act shall be and the same are hereby repealed: Provided always, that 30 such repeal shall not affect anything duly done or suffered before the commencement of this Act under any enactment hereby repealed.

Application
of capital.

5. Each Gas Company may apply for the purposes of their undertaking any money which they are authorised by this or any other 35 Act to raise.

Capital of
the Com-
panies de-
fined.

6. At the time of the passing of this Act the stock and share capital of each Gas Company is of the amount and the nature particularly described in the second schedule to this Act annexed in relation to such Gas Company.

Additional Capital.

A.D. 1876.

7. Each Gas Company may by the issue of new ordinary shares or stock raise additional capital not exceeding in the whole the sum which is mentioned in relation to such Gas Company in the
 5 second schedule to this Act annexed in such proportions and amounts as they think fit, so that no such amount or proportion issued at any one time shall exceed *one fourth* of the sum so mentioned in the said schedule, but the Gas Companies shall not issue any share of less nominal value than *ten* pounds, nor shall any
 10 share vest in the person or body accepting the same unless and until a sum not less than *one fifth* of the amount of such share has been paid in respect thereof: Provided that each Gas Company shall be under obligation rateably with and after the issue of additional share capital from time to time to raise by borrowing on mortgage or by
 15 debenture stock an amount equal to the nominal amount of such additional share capital in manner following; (that is to say,) after the first issue of share capital by any Gas Company under this Act, such Gas Company shall not at any time issue any further amount or proportion of such capital until they have proved to the satisfac-
 20 tion of a justice by the production to such justice of the books of such Gas Company and of such other evidence as he thinks sufficient, and have obtained from such justice a certificate that they have raised by borrowing on mortgage or by debenture stock an amount equal to the total nominal amount of the share capital then pre-
 25 viously issued by them under this Act.

Power to
raise addi-
tional capi-
tal.

8. Any capital in new shares or stock created by any Gas Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers, provisions, liabilities, rights, privileges, and incidents what-
 30 soever, in all respects as if that capital were part of the now existing capital of such Gas Company of the same class or description, and the new shares or stock were shares or stock in that capital and the capital in new shares or stock so created shall form part of the capital of such Gas Company.

New shares
or stock sub-
ject to same
incidents as
other shares
or stock.

9. Notwithstanding anything in this Act contained when any shares or stock created under the powers of this Act are to be issued by any Gas Company, such Gas Company before offering the same to the holder of any other shares or stock in such Gas Company, and whether the ordinary shares or ordinary stock of such Gas
 40 Company are or is not at a premium, shall offer the same for sale by public auction or by tender within the metropolis in such manner, at such times, and subject to such conditions of sale as such Gas

New shares
to be offered
by auction
or tender.

A.D. 1876. Company shall from time to time determine: Provided that at any such sale the reserved price put upon such shares or stock shall not be less than the nominal amount thereof, and notice of the amount of such reserved price shall be sent by such Gas Company in a sealed letter to the Board of Trade not less than *twenty-four* hours 5 before the day of auction or the last day for the reception of tenders, as the case may be, and such letter may be opened after such day of auction or last day for the reception of tenders, and not sooner.

As to notice to be given as to sale, &c. of shares.

10. The intention to sell any such shares or stock by auction 10 or by tender shall be communicated in writing to the clerk to the Metropolitan Board of Works, and to the secretary of the Committee of the London Stock Exchange, at least *twenty-eight* days before the day of auction, or the last day for the reception of tenders, as the case may be, and notice of such intention shall be 15 duly advertised *four* times during the same period in *two* or more London daily newspapers.

Shares not sold by auction or by tender to be offered to shareholders.

11. When any shares or stock created under the powers of this Act by any Gas Company have been offered for sale by auction or by tender and not sold, the same shall be offered at the reserved 20 price put upon the same respectively, for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of such Gas Company in manner provided by the Companies Clauses Act, 1863: Provided always, that any shares or stock so offered and not accepted within the time prescribed by the said 25 Act, shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares and stock created under the powers of this Act.

Application of premium arising on issue of shares or stock.

12. Any sum of money which shall arise from the issue by any 30 Gas Company of any such shares or stock by way of premium, after deducting therefrom the expenses of and incident to such issue, shall not be considered as profits of such Gas Company, but shall be expended in extending or improving the works of such Gas Company, or in paying off money borrowed or owing on mort- 35 gage by such Gas Company, and shall not be considered as part of the capital of such Gas Company entitled to dividend.

Power to borrow.

13. Each Gas Company may from time to time borrow on mortgage any sum not exceeding in the whole the sum which such Gas Company is authorised to raise by the issue of new ordinary 40 shares or stock under this Act, but subject to the provisions of this Act no Gas Company shall borrow any part thereof until an equal

A.D. 1876.

amount of the additional capital by this Act authorised to be raised by such Gas Company has been issued and accepted, and not less than *one half* the nominal amount of such additional capital has been paid up on so much of the said additional capital as is to be raised by means of shares, and such Gas Company have proved to the justice who is to certify under section forty of the Companies Clauses Consolidation Act, 1845, before he so certifies, that shares for the whole of such portion of additional capital have been issued, accepted, and paid up in accordance with the requirements of this section, and that not less than *one fifth* part of each separate share has been paid up thereon before or at the time of the issue or acceptance thereof, or until stock for *one half* of so much of the said additional capital as is to be raised by means of stock is fully paid up, and such Gas Company have proved to such justice before he so certifies that such shares or stock, as the case may be, were issued and accepted in good faith, and are held by the persons or bodies to whom they were issued, their executors, administrators, successors, or assigns, and that those persons or bodies, their executors, administrators, successors, or assigns, are legally liable for the same; and on production to the justice of the books of such Gas Company, and of such other evidence as he thinks sufficient, he shall grant a certificate that the proof aforesaid has been given, and the same shall be sufficient evidence thereof: Provided that no Gas Company shall pay any higher interest upon any part of the money so borrowed by them than at the rate of *five* pounds per centum per annum.

14. When under the authority of this Act any Gas Company has raised by shares and stock, and by borrowing, and by the issue of debenture stock, a sum equal to half of the total amount which such Gas Company is authorised to raise under this Act, such Gas Company shall thenceforth in the exercise of the powers by this Act conferred upon them with respect to the issue of shares and borrowing be subject to the restrictions following:

Restrictions
on raising
additional
capital.

Before raising any further sum by the issue of shares or by borrowing, or by the issue of debenture stock, such Gas Company shall prove to the satisfaction of the Board of Trade, on the report of some impartial person to be appointed by such Board, that the sum proposed to be raised is necessary for the purposes of such Gas Company during the *three* years then next following, and the President of the Board of Trade shall make and sign a certificate to such effect:

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Any person so appointed shall, before considering any matter referred to him under this Act, give notice to such Gas Company and to the Metropolitan Board of his intention of considering the matter so referred to him and of the time and place at which he intends to do so, and he shall at such time and place hear 5 the Metropolitan Board and such Gas Company or any or either of them desiring to be heard and make such decision as he shall think just as to the matter referred to him, and as to the costs of such reference, and as to the party or parties by whom the same shall be borne and paid : 10

Any costs incurred by the Metropolitan Board or which they may be ordered to pay under this section may be paid by them out of any funds in their hands or under their control.

Price of Gas.

Fixing maximum price of common gas with sliding scale as to dividend.

15. The standard price to be charged by any Gas Company for 15 common gas supplied by them shall be *three shillings and nine-pence* per thousand cubic feet; provided that any Gas Company may increase or diminish such standard price subject to a decrease or increase in the standard rate of dividend to be calculated as follows :

For every penny or part of a penny charged in excess or in 20 diminution of such standard price in any year the standard rate of dividend except as herein-after specially provided shall for such year be reduced or increased by *five shillings* in the hundred pounds per annum :

Provided always, that the rate of dividend payable at the time of the 25 passing of this Act by any Gas Company in respect of any preference shares or preference stock of such Gas Company, created under the authority of any Act of Parliament in force at the time of the passing of this Act, shall not be increased or diminished.

Maximum price of cannel gas.

16. The maximum price to be from time to time charged by any 30 Gas Company for cannel gas supplied by them shall so long as the Gas Company charge the standard price for common gas be *four shillings and nine-pence* per one thousand cubic feet, and in case such Gas Company shall increase or decrease such standard price, the maximum price for cannel gas shall be at such rate per one 35 thousand cubic feet as for cannel gas of the illuminating power supplied by such Gas Company will be proportional to the price per one thousand cubic feet charged by such Gas Company for the time being for common gas.

If profits exceed the amount

17. If the clear profits of the undertaking of any Gas Company 40 in any year amount to a larger sum than is sufficient to pay the

- standard rate of dividend, the excess beyond the sum necessary for that purpose may from time to time to the extent of *one* per centum per annum upon the paid up capital of such Gas Company be invested in Government or other securities, and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to *one twentieth* of the paid up capital of such Gas Company, which sum shall form an insurance fund, to meet any extraordinary claim, demand, or charge which may at any time arise against or fall upon such Gas Company, from accident, strikes, or other circumstances which in the opinion of the auditor due care and management could not have prevented, and if such fund be at any time reduced, it may thereafter be again made up to the said sum, and so from time to time as often as such reduction shall happen; provided that when and so often as the said fund shall reach *one twentieth* part of the paid up capital the interest thereon shall be carried to the credit of the fund available for dividend: Provided also, that resort may from time to time be had to the insurance fund to meet any extraordinary claim or demand as aforesaid, although such fund may not at the time have reached or may have been reduced below the full amount of *one twentieth* part as aforesaid.

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limited excess may be invested and form an insurance fund.

18. If the clear profits of the undertaking of any Gas Company in any year amount to a larger sum than is sufficient to pay the standard rate of dividend on the ordinary share capital or stock of such Gas Company, the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of such undertaking for the next following year.

Application of excess of profits over standard rate of dividend.

19. Where in any year the amount of the standard rate of dividend of any Gas Company on the ordinary share capital or stock of such Gas Company shall, by reason of a diminution of the standard price charged by them in such year, be increased, then out of the amount of the divisible profits of such Gas Company applicable to the payment of such increase such Gas Company may in such year set apart such sum as they shall think fit, and all sums (if any) so set apart by such Gas Company, and the reserve fund of such Gas Company existing at the time of commencement of this Act, may be invested in Government or other securities, and the dividend and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and every fund so formed shall be called "The Reserve Fund," and shall be applicable to the

Power to create a reserve fund out of dividends in excess of the standard rate of dividend and application thereof.

A.D. 1876. — payment of dividend in any year in which the clear profits of such Gas Company shall be insufficient to enable such Gas Company in such year to pay the standard rate of dividend on the ordinary share capital or stock of such Gas Company, and save as in this Act otherwise provided no sum shall in any year be carried by such 5 Gas Company to any reserve fund.

As to conversion of borrowed money into capital.

20. No Gas Company shall raise any moneys by this Act or by any other Act of such Gas Company authorised to be borrowed on mortgage or any part of such moneys by the creation of shares or stock instead of borrowing, or convert into capital the amount 10 borrowed under the provisions of this Act or of any other Act of such Gas Company, unless in either case all dividends upon such shares or stock, whether ordinary or preferential, are limited to a rate not exceeding *five* pounds per centum per annum.

Illuminating Power.

15

Illuminating power.

21. The gas supplied by the Gas Companies shall, with respect to its illuminating power, be such as to produce when consumed at the rate of *five* cubic feet per hour in the burners hereafter prescribed :

In the case of common gas a light equal in intensity to the light 20 produced by *sixteen* candles ; and

In the case of cannel gas a light equal in intensity to the light produced by *twenty* candles ;

such candles being sperm candles of *six* to the pound, each burning *one hundred* and *twenty* grains an hour. 25

Pressure of Gas.

Pressure of gas.

22. All gas supplied by the Gas Companies shall (except in case of accident or repairs) be supplied at such pressure as to balance from midnight to sunset a column of water not less than *six tenths* of an inch in height, and to balance from sunset to midnight a 30 column of water not less than *one inch* in height.

Testing for Illuminating Power, Purity, and Pressure.

Mode and times of testing illuminating power and pressure.

23. The gas referees shall, subject to the provisions of this Act, from time to time prescribe and certify the mode to be adopted for testing and recording the illuminating power and pressure of gas 35 supplied by the Gas Companies, and the number of the times of testing the same.

Examination of gasworks by referees,

24. The gas referees shall with all practicable speed after their appointment, and the gas referees for the time being may from time

A.D. 1876.

to time thereafter, inspect the works of each Gas Company, and investigate the processes of manufacture carried on therein with the view of ascertaining the means adopted therein for purifying gas and for preventing nuisance, and may from time to time apply all
5 such tests as they think expedient at the works of any Gas Company or elsewhere for ascertaining the amount of sulphur and ammonia and of compounds thereof or other impurity with which gas supplied by them is charged.

25. Each Gas Company shall give to the gas referees and each
10 of them, and each of their clerks, servants, and workmen, access to their works, and shall, when required, afford to them and each of them all facilities for the proper execution of their and his duty.

Access to works.

26. The gas referees shall from time to time ascertain with what degree of purity the Gas Companies can reasonably be required to
15 make and supply gas continuously without occasioning a nuisance to the neighbourhood in which their works are respectively situate, and shall thereupon prescribe and certify the maximum amount of impurity in each form with which gas supplied by the Gas Companies shall be allowed to be charged, and the time from which the
20 allowance thereof shall be enforced as against the Gas Companies, regard being had to the necessity for any alteration of works by the Gas Companies consequent on any such certificate.

Purity of gas to be prescribed.

27. The gas referees shall from time to time prescribe and certify the mode to be adopted for testing and recording the purity of gas
25 supplied by the Gas Companies respectively, and the number of the times of testing such purity.

Mode and times of testing purity of gas.

28. The gas supplied by the Gas Companies for public lighting shall, if required by either the local authority consuming or the Gas Company supplying such gas, be supplied by measurement, and the
30 referees shall, if required by either party, from time to time prescribe and certify the mode of ascertaining the quantity of gas consumed by the public lamps.

Mode of measuring gas for public lamps.

29. Gas supplied by the Gas Companies shall be wholly free from sulphuretted hydrogen, and nothing in this Act shall autho-
35 rise the gas referees to allow of gas being charged with any amount of impurity in that form.

Freedom of gas from sulphuretted hydrogen.

30. The gas referees shall from time to time prescribe and certify the situation and number of the testing places and the apparatus and materials therein for testing the illuminating power, purity,
40 and pressure of the gas to be provided by each Gas Company, and

Provision of testing places and apparatus.

A.D. 1876. each Gas Company shall provide and maintain such testing places, apparatus, and materials accordingly.

Control, &c.
of testing
places.

31. The prescribed testing places, materials, and apparatus provided by the Gas Companies shall be under the control and management of the Metropolitan Board.

5

Separate
testing place
for Com-
pany.

32. Any Gas Company providing a prescribed testing place may also have a separate testing place in the same building under their own control and management.

Description
of burner for
testing illu-
minating
power.

33. The burner for testing common gas shall be a *Sugg's London Argand*, such as immediately before the passing of this Act 10 was the burner prescribed and used by the gas referees in pursuance of the City of London Gas Act, 1868, for testing common gas, and the burner for testing cannel gas shall be the burner known as *Sugg's Steatite Batswing, No. 7*, such as immediately before the passing of this Act was the burner prescribed and used by the gas 15 referees in pursuance of the City of London Gas Act, 1868, for testing cannel gas, and two or more models of each of such burners shall be certified as such respectively by the President of the Board of Trade, and one of each of such models shall be deposited with the Warden of the Standards and one with the Metropolitan Board. 20

Appoint-
ment of gas
examiners.

34. The Metropolitan Board shall, as soon as may be after the passing of this Act, appoint, and shall always keep appointed, a competent and impartial person or persons to be a gas examiner or gas examiners for the several testing places within their jurisdiction.

Appoint-
ment of chief
gas ex-
aminer.

35. There shall be a chief gas examiner being a competent and 25 impartial person from time to time appointed by and removable by the Board of Trade.

Daily test-
ing.

36. A gas examiner shall at each testing place make daily such number of tests as the gas referees may prescribe for ascertaining whether, during the whole of each day, the illuminating power, 30 purity, and pressure of the gas supplied by the Gas Company whose gas is tested at such testing place are such as are respectively prescribed under this Act, and in the event of the same being ascertained to be defective in any particular he shall forthwith give notice thereof to such Gas Company.

35

What shall
be deemed
illuminating
power for
each day.

37. The average of all the testings prescribed under this Act of the illuminating power of the gas supplied by any Gas Company on each day shall be deemed to represent the illuminating power of the gas supplied by such Gas Company on that day.

Pressure.

38. The average of all the testings prescribed under this Act of 40 the pressure of the gas supplied by any Gas Company from mid-

night to sunset, and the average of all the testings of pressure from sunset to midnight shall be deemed to represent the pressures of the gas supplied by such Gas Company during each of these periods. A.D. 1876.

39. The average of all the testings prescribed under this Act of the purity of the gas supplied by any Gas Company on each day shall be deemed to represent the purity of the gas supplied by such Gas Company on that day: Provided always, that if on any one day the gas supplied by any Gas Company is of less purity than it ought to be under this Act, the average of all the testings under this Act of the purity of such gas made on that day, and on the preceding and on the following day, shall be deemed to represent the purity of such gas on such day. Average of testings of purity.

40. Any Gas Company may, if they think fit, on each occasion of the testing by a gas examiner of the gas supplied by them be represented by some officer, but such officer shall not interfere in the testing. Representa-
tion of com-
panies.

41. Each gas examiner shall on each day make and deliver a report of the result of the testings of the gas supplied by each Gas Company conducted by him on the immediately preceding day to the Metropolitan Board, to the gas referees, to the chief gas examiner, and to such Gas Company, and the books kept by a gas examiner for recording the results of the testings of such gas by him shall be open at all reasonable times to the inspection of such Gas Company without payment. Daily reports
and access
to books.

42. If any Gas Company think themselves aggrieved by any report of a gas examiner, they may within seven days after the day on which that report is delivered to them appeal to the chief gas examiner, whose decision, after hearing the parties, shall be final and conclusive, and the chief gas examiner shall report every such decision to the Metropolitan Board and to the Gas Companies. Appeal to
chief gas
examiner.

43. If in any case any Gas Company do not appeal as aforesaid, the report of the gas examiner shall be final and conclusive. Where no
appeal the
report of ex-
aminer final.

Reports of Chief Gas Examiner.

44. Within one week after the end of each quarter of a year the chief gas examiner shall make a report to the Metropolitan Board and to each Gas Company on the results of the daily testings made in that quarter in connexion with each station of such Gas Company, and shall state therein with respect to gas supplied by such Gas Company from each station in that quarter— Quarterly
report of
chief gas
examiner.

(1.) The illuminating power on each day:

[204.]

B 2

- A.D. 1876. (2.) The amount of impurity in each form on each day :
 (3.) The pressure on each day.

Forfeitures.

Register of
gas made.

45. Each Gas Company shall keep a register of all the gas delivered by them from each station on each day, and shall afford 5 access thereto at all reasonable times to the Metropolitan Board and their agents, and if any Gas Company at any time fail to comply with this section they shall for every such offence forfeit a sum not exceeding *fifty* pounds.

Forfeiture
for defect
of power.

46. If on any day the gas supplied by any Gas Company from 10 any station is of less illuminating power than it ought to be under this Act, such Gas Company shall be liable to the following forfeitures :

For the first half of a candle of defective power *forty* shillings :

For the first and every subsequent candle of defective power a 15 sum equal to the value of the defective power estimated at the rate of *twenty* shillings for every half candle of defective power on every one hundred thousand cubic feet, or any fractional part less than one hundred thousand cubic feet of gas, whether cannel gas or common gas respectively delivered from that 20 station on the day of default.

Forfeiture
for excess of
impurity.

47. If on an average of *three* days the gas supplied by any Gas Company from any station is of less purity than it ought to be under this Act, such Gas Company shall forfeit a sum of *fifty* pounds for each station in respect of which they are so in default. 25

Forfeiture
for insuffi-
ciency of
pressure.

48. If on any day, whether during the period from midnight to sunset or during the period from sunset to midnight, the gas supplied by any Gas Company from any station is supplied at a pressure less than it ought to be under this Act, such Gas Company shall forfeit a sum not exceeding *ten* pounds for each station in respect of which 30 they are so in default.

Saving for
unavoidable
accident, &c.

49. No forfeiture shall be incurred in any case with respect to which it is certified by the chief gas examiner that the defect of illuminating power, excess of impurity, or insufficiency of pressure was occasioned by an unavoidable cause or accident. 35

Evidence of
liability to
forfeiture.

50. The report of the chief gas examiner on appeal, or the report of a gas examiner after the time for appeal has elapsed and no appeal has been brought, showing a case of defective power, excessive impurity, or insufficient pressure, shall be conclusive evidence of the liability of the Gas Company in respect of which the same shall 40 have been made to a forfeiture in respect thereof, and every forfeiture

under this Act shall be leviable by distress, and on proof of any such report before two justices or a magistrate at any time within *one* month after the date of the report, such justices or magistrate shall issue their or his warrant of distress accordingly. A.D. 1876.

- 5 **51.** Every such forfeiture and any loss arising from fraud of the servants of any Gas Company which the auditor (appointed as in this Act provided) shall certify has arisen from want of due diligence on the part of the directors of such Gas Company, shall be borne and paid to the satisfaction of such auditor exclusively by and out
10 of the divisible profits of such Gas Company and by way of reduction of dividend. Forfeiture and losses from fraud, &c.

Audit of Accounts.

- 52.** There shall be an auditor of the accounts of the Gas Companies, being a competent and impartial person from time to time
15 appointed by and removable by the Board of Trade, which auditor is in this Act referred to as the auditor. Auditor of accounts.

- 53.** The auditor shall with all practicable speed after the commencement of this Act, investigate the accounts of each Gas Company, and ascertain and certify the amount of its capital, distinguishing share from loan capital, and shall from time to time as
20 new capital shall be expended in like manner ascertain and certify such new capital. Ascertainment of capital of Company.

- 54.** The auditor shall from time to time prescribe the form of accounts to be kept by each Gas Company. Form of accounts.

- 25 **55.** The auditor shall during every half year, as and when he thinks fit, inspect the accounts of each Gas Company and audit the same, and if he finds the same correct he shall certify the same, but if he finds the accounts incorrect in principle or in detail he shall require such Gas Company to correct the same in such manner as
30 he thinks right, and he may, if he thinks fit, grant a conditional certificate so as to authorise the payment of a dividend subject to a correction if need be, and except in the case of a conditional certificate a dividend shall not in any case be declared until the accounts are certified by the auditor. The accounts as and when
35 certified shall be forthwith laid before both Houses of Parliament if Parliament be then sitting, and if Parliament be not then sitting within *seven* days after the commencement of the then next session of Parliament. Periodical audit.

- 56.** Each Gas Company shall give the auditor, his clerks and assistants, access to the books and documents of such Gas Company, and shall, when required, furnish to him or them all vouchers and
40 Facilities for auditor, &c.

A.D. 1876. information requisite for the purposes of the audit, and shall afford to him and them all facilities for the proper execution of his and their duty.

Arbitration
between
parties.

57. If the Metropolitan Board or any Gas Company think themselves aggrieved by any act, determination, or omission of the auditor, the matter in difference shall be referred to the determination of an arbitrator to be agreed on between them and the auditor, or in default of agreement to be appointed on the application of any of the parties by the Lord Chief Justice of the Common Pleas, and the reference shall be subject and according to the provisions of the Common Law Procedure Act, 1854, and the costs of the arbitration shall be in the discretion of the arbitrator, whose decision shall with respect to all such matters be final and conclusive, and subject to this provision the directions and determinations of the auditor shall be final and conclusive. 15

Penalties
not to be
cumulative.

58. Penalties imposed on any Gas Company for one and the same offence by this Act and by the special Act are not cumulative.

Acquisition of Land.

The Gas
Companies
may take
land by
agreement.

59. Any Gas Company may from time to time take by agreement, but not otherwise, any land situate within the metropolis as defined by the Metropolis Management Act, 1855, necessary for their undertaking, and such land, when acquired, shall be held to be land described in the special Act of the Company, and for the purpose of the acquisition of such land the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, are incorporated with and form part of this Act, but no land shall be taken by any Gas Company under this Act until they have proved to the satisfaction of some impartial person (in this section referred to as "the Commissioner"), to be appointed by the Board of Trade that such land is necessary for the works of such Gas Company, and the President of the Board of Trade shall make and sign a certificate to such effect. 20 25 30

Duties of the
Commis-
sioner.

60. The Commissioner shall, before considering any matter referred to him under this Act, give notice to the Company and to the Metropolitan Board of his intention of considering the matter so referred to him, and of the time and place at which he intends to do so, and he shall at such time and place hear the Metropolitan Board and the Company, or either of them desiring to be heard, and their counsel, agents, and witnesses, and make such decision as he shall think just as to the matter referred to him and as to the 35 40

costs of such reference, and as to the party or parties by whom the same shall be borne and paid. A.D. 1876.

The commissioner may summon any person to give evidence or to bring and produce documents before him, and may administer oaths and take affidavits and declarations.

If any person wilfully fails to attend in obedience to a summons of the commissioner (the reasonable expenses of his attendance having been paid or tended to him), or refuses to answer or knowingly and wilfully answers untruly any lawful and relevant question put to him by or before the Commissioner, or without lawful excuse refuses to bring or produce before the Commissioner any document which he is by any such summons required to bring or produce, every such person shall for every such offence be liable on summary conviction before a justice to a penalty not exceeding fifty pounds.

If any person on examination on oath or affirmation before the Commissioner or in any affidavit or declaration used before him wilfully gives false evidence he shall be deemed guilty of perjury.

Any costs incurred by the Metropolitan Board under this section may be paid by them out of any funds in their hands or under their control.

Amalgamation.

61. The Gas Companies and the other Gas Companies supplying gas south of the river Thames, or any *two* or more of them may as soon as may be after the passing of this Act, settle a scheme for the amalgamation of the Gas Companies or of such two or more of them, and shall submit the same to the Board of Trade. The Gas Companies submitting such scheme are herein-after referred to as "the amalgamating Companies." Such scheme shall be framed with a view to the reduction of the expenditure of the amalgamating Companies.

Scheme by
Companies
for amalga-
mate.

62. Whereas the district of the London Gas Light Company is partly on the north side and partly on the south side of the river Thames, therefore it shall be lawful for that company to amalgamate so much of their undertaking as lies on the south side of the said river with one or more of the gas companies, and to amalgamate that portion of their undertaking on the northern side of the said river with the Gas Light and Coke Company, and sections eighteen to twenty-four (inclusive) of the City of London Gas Act, 1868, shall extend and apply to the portion of the undertaking of the London Gas Light Company on the north side of the river Thames, and such last-mentioned portion of the said undertaking may be vested in the

With whom
companies
may amalga-
mate.

A.D. 1876. Gas Light and Coke Company in the manner prescribed in such last-mentioned sections.

Examination of scheme by Board of Trade. **63.** The Board of Trade shall give notice in the *London Gazette* and by advertisement in *two* daily morning newspapers published in London or Middlesex of the submission of such scheme, and shall 5 cause copies of such notice and scheme to be delivered to the Metropolitan Board, and shall receive any representations made to them by the Metropolitan Board respecting the scheme, and shall consider the scheme and representations (if any), and may suggest any modifications of the scheme. 10

Confirmation of scheme. **64.** If the amalgamating Companies assent to the modifications (if any) suggested by the Board of Trade, and the scheme, whether modified or not, is confirmed by Order of Her Majesty in Council, the same shall have full effect, and shall be as binding as if it had been enacted by Parliament. 15

Provisions for compensation, &c. **65.** Any scheme under this Act shall contain proper provisions respecting a re-arrangement of districts and respecting the position of stations for the manufacture or storage of gas and other works, and respecting the mode of dealing with the capitals of the amalgamating Companies, and respecting a change of the name of such 20 Companies, and respecting the incorporation, name, and powers of the Company formed by such amalgamation (herein-after referred to as the amalgamated Company), and the vesting in them of any property and rights, and other proper provisions for the necessary incidents and consequences of amalgamation, and shall provide for 25 proper compensation to any secretary, engineer, accountant, collector, or other salaried officer of any amalgamating Company whose office or employment is abolished or will become unnecessary under such scheme.

Provisions of scheme as to capital. **66.** Provided that any scheme under this Act shall not contain 30 any provisions that would authorise the application of share or loan capital or any money arising from the sale of disused works or of superfluous lands to any purposes other than those to which capital is properly applicable, or any provision for reduction of any share capital already authorised by Parliament. 35

Meaning of "Gas Company." **67.** After any such amalgamation the amalgamated Company shall be deemed to be a Gas Company within the meaning of the Act of 1860 and of this Act.

Sale of copies of scheme. **68.** The amalgamated Company shall at all times keep at their principal office printed copies of the scheme relating to such Com- 40 pany with the confirming Order in Council, and shall sell copies

to all persons desiring to buy the same at a reasonable price not exceeding *six-pence* for each copy. If such Company fail to comply with this provision they shall be liable to a penalty not exceeding *twenty* pounds, and a further penalty not exceeding *five* pounds for every day during which such failure continues after the first penalty is incurred.

A.D. 1876.

Special Provisions with respect to the London Gaslight Company and the Surrey Consumers Gas Company.

69. Notwithstanding anything to the contrary in this Act contained it shall be lawful for the London Gaslight Company during the *two* years next after the passing of this Act to raise their reserve fund to any sum not exceeding the sum of *eighty-five thousand* pounds, being the amount to which they might have raised the same if this Act had not passed, by carrying any moneys to such reserve funds which they might have carried to the same if this Act had not passed, and it shall be lawful for the Surrey Consumers Gas Company within the same period and in like manner to raise their reserve fund to any sum not exceeding the sum of pounds, being the amount to which they might have raised the same if this Act had not passed: Provided always, that no moneys shall under the provisions of this section be carried by either of the said Gas Companies to its reserve fund in any year in which such Gas Company shall charge more than the standard price for gas or declare a dividend at a rate exceeding the standard rate of dividend.

London and Surrey Consumers Companies may make up their reserve funds under certain conditions.

25 *Special Provision relating to the Phoenix Gaslight and Coke Company.*

70. The interest to be borne by any debenture stock which at the commencement of this Act the Phoenix Gaslight and Coke Company are authorised to issue, may, after the passing of this Act, be issued at any rate of interest not exceeding *five* pounds per centum per annum, and the special Act authorising the issue of such debenture stock shall be construed as if such limit of *five* pounds per centum per annum had been the limit prescribed by the said Act in respect of the debenture stock to be issued under the authority of the said Act.

Maximum rate of interest on already authorised debenture stock.

71. The costs, charges, and expenses of and incidental to the applying for, preparing, and obtaining this Act, and otherwise in relation thereto, shall be paid by the Gas Companies in equal portions.

Expenses of Act.

A.D. 1876.

The SCHEDULES to which the foregoing Act refers.

FIRST SCHEDULE.

PARTS OF THE METROPOLIS GAS ACT, 1860, REPEALED AS FAR AS THEY RELATE TO THE GAS COMPANIES.

Section two, as far as it incorporates the provisions of the Gas- 5
works Clauses Act, 1847, with respect to the amount of profit to
be received by the undertakers from gasworks carried on for their
benefit, or imposes any restriction on a Gas Company in respect of
any rate of dividend.

So much of section four as defines the meaning of the words 10
“common gas” and “cannel gas.”

Sections seven to twelve, both inclusive.

Sections twenty-five to thirty-four, both inclusive.

Sections thirty-seven and thirty-eight.

Sections forty and forty-one. 15

SECOND SCHEDULE.

THE PHOENIX GASLIGHT AND COKE COMPANY.

Acts of Parliament relating to the raising of Capital.	Class.	Number of Shares.	Amount of Shares.	Amount of Capital.	Rate of Dividend.	Borrowed Money.	20
			£	£		£	
5 Geo. 4. c. 78. -	Shares	27,000	20	540,000	10 per cent.		
27 & 28 Vict. c. 159.	Stock -	—	—	144,000	5 per cent.	200,000	
27 & 28 Vict. c. 159.	Stock -	—	—	360,000	7½ per cent.		
The Metropolis Southern Companies Gas Act, 1876.	Shares	7,500	20	150,000	10 per cent.	150,000	25

A.D. 1876.

THE LONDON GASLIGHT COMPANY.

5	Acts of Parlia- ment relating to the raising of Capital.	Class.	No. of Shares.	Amount of Shares.	Rate of Dividend.	Amount of Capital.
				£		£
	15 Vict. c. 82.	Ordinary stock	—	—	10 per cent. -	383,350
		2nd preference stock	—	—	6 do. } with option	11,050
		3rd " "	—	—	6 do. } of conversion	2,750
		1st " "	—	—	6 do. -	150,000
10	29 Vict. c. 55.	A. " shares	—	—	6 do. -	300,000
	20 & 21 Vict. c. 73.	Debenture stocks	—	—	5 & 6 per cent. -	26,692
15	The Metropolis Southern Companies Gas Act, 1876.	Shares	3,000	50	10 per cent. -	150,000

THE SURREY CONSUMERS GAS COMPANY.

20	Acts of Parliament relating to Capital.	Class.	No. of Shares.	Amount of Shares.	Amount of Capital.	Rate of Dividend.	Borrowed Money.
				£	£		£
	17 & 18 Vict. c. 94.	Shares	15,000	10	150,000	10 per cent.	35,000
	26 Vict. c. 37.	Shares	10,000	10	100,000	10 per cent.	25,000
25	The Metropolis Southern Com- panies Gas Act, 1876.	Shares	10,000	10	100,000	10 per cent.	100,000

Metropolis Gas (Surrey Side).

A

B I L L

To amend the Laws regulating the supply of Gas by the Phoenix Gaslight and Coke Company, the London Gaslight Company, and the Surrey Consumers Gas Company, and to grant further powers to those Companies.

(Prepared and brought in by
Sir Charles Adderley and Mr. Edward Stanhope.)

Ordered, by The House of Commons, to be Printed
21 June 1876.

[Bill 204.]

Under 3 oz.

A

B I L L

INTITULED

An Act to confirm a Provisional Order of one of Her Majesty's Principal Secretaries of State for the improvement of an unhealthy area in the Whitechapel District, and an unhealthy area in the Limehouse District, within the Metropolis. A.D. 1876.

WHEREAS the Right Honourable Richard Assheton Cross, one of Her Majesty's Principal Secretaries of State, has made the Provisional Order set forth in the schedule hereunto annexed, under the provisions of the Artizans and Labourers Dwellings Improvement Act, 1875 :

And whereas it is requisite that the said Order should be confirmed by Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The Order set out in the schedule hereunto annexed is hereby confirmed.

Provisional
Order in
schedule
confirmed.

2. This Act may be cited as the Metropolis (Whitechapel and Limehouse) Improvement Scheme Confirmation Act, 1876.

Short title.

A.D. 1876.

SCHEDULE.

THE ARTIZANS AND LABOURERS DWELLINGS IMPROVEMENT
ACT, 1875.

METROPOLIS (WHITECHAPEL AND LIMEHOUSE)
IMPROVEMENT.

5

Provisional Order.

WHEREAS the Metropolitan Board of Works presented to me, the Right Honourable Richard Assheton Cross, one of Her Majesty's Principal Secretaries of State, a petition praying that an order might be made confirming a scheme prepared by the said Board under the above-mentioned Act, for the improvement of two unhealthy areas, situated respectively in the Limehouse district and in the Whitechapel district, both of which districts are within the metropolis as defined by the said Act: 10

And whereas a copy of the said scheme and of the estimates by which it was accompanied is annexed to this Order: 15

And whereas on consideration of the said petition and on proof of the publication of the proper advertisements, and of the service of the proper notices, I thought fit to proceed with the case, and directed a local inquiry to be made by Mr. D. Cubitt Nichols in or in the vicinity of the area to which the scheme relates, for the purpose of ascertaining the correctness of the official representations made to the Metropolitan Board of Works as to the areas, and the sufficiency of the scheme provided for their improvement, and any local objections to be made to such scheme: 20

And whereas before commencing such inquiry the said D. Cubitt Nichols made public by advertisement his intention to make such inquiry, and stated the time and place at which he would be prepared to hear all persons desirous of being heard upon the subject thereof, in accordance with the provisions of section 17 of the above-mentioned Act: 25

And whereas the said D. Cubitt Nichols has reported to me in favour of the said scheme subject to certain qualifications mentioned in his report: 30

And whereas subsequently to the receipt of the said report the Metropolitan Board have made arrangements for the purchase, for the sum of 8,500*l.* or thereabouts, of certain premises herein-after mentioned, such purchase to be conditional upon such premises being included in the improvement area under this Order: 35

A.D. 1876.

And whereas the number of persons of the working class that will be displaced by the scheme, if carried out in accordance with this Order, is estimated to be 3,669, as appears from the following table:

5	No. of Holdings.	No. of Rooms in each Holding.	Total No. of Rooms.	Average No. of Persons of the Working Class occupying each Holding.	Total No. of Persons of the Working Class occupying such Holdings.
10	730	1	730	3.24	2,368
	165	2	330	4.56	752
	96	3	312	5.72	549
	991	—	1,372	—	3,669

Now I, in pursuance of the powers vested in me by the said Act, hereby confirm the said scheme, and authorise the same to be carried into execution, subject to the following conditions and modifications:

1. With respect to the limits of the improvement area,—in lieu of the map marked A and annexed to the said scheme, there shall be substituted the amended map marked A A and signed by me, and the lands delineated and coloured respectively red and green on the said amended map shall together constitute the improvement area to which the scheme, as amended by this Order, shall relate, the said lands coloured red being premises which were included in the improvement area as proposed by the original scheme of the Metropolitan Board, and the said lands coloured green being the premises for the conditional purchase of which the Metropolitan Board have arranged as aforesaid. The lands coloured purple on the said amended map, being premises which were included in the improvement area as proposed by the original scheme of the Metropolitan Board, shall not form part of the improvement area to which the scheme, as amended by this Order, shall relate.

2. With respect to the acquisition of lands,—the power of compulsory purchase shall not extend to the premises coloured green as aforesaid.

3. With respect to the appropriation of lands,—the said scheme shall be read as if, in lieu of the plan marked B annexed thereto, there was substituted the amended plan marked B B, and signed by me, and as if, in lieu of the Schedule B annexed to the said scheme, there was substituted the following:

SCHEDULE B.

The dwellings erected on the lands constituting the improvement area shall be built in 24 blocks distinguished by the letters A, B, C, D, E, F, G, H, I, J, K, L, Y, Z, M, N, O, P, Q, R, S, T, U, V, respectively shown on the said amended plan marked B B in the situations where the said blocks are to be placed.

Each block shall be five storeys in height, with the exception of the blocks R, S, T, U, and V, each of which shall consist only of four storeys, and each storey shall be not less than eight feet in height in the clear.

4

Metropolis (*Whitechapel and Limehouse*) [39 & 40 VICT.]
Improvement Scheme Confirmation.

A.D. 1876. The blocks shall be so constructed as to provide in the aggregate accommo-
dation for not less than 3,870 persons of the working class, as set forth in the
subjoined table :

No. of Holdings.	No. of Rooms in each Holding.	Total No. of Rooms.	Average No. of Per- sons of the Working Class which each Holding shall be capable of accommodating.	Total No. of Per- sons of the Working Class which the Holdings shall be capable of accommodating.	5
121	1	121	2·5	302	10
650	2	1,300	4·5	2,925	
117	3	351	5·5	643	
888	—	1,772	—	3,870	

Each block shall, according to the number and size of holdings therein, be
furnished with waterclosets, sinks with water supply, and dust shoots.

The buildings on the lands constituting the improvement area, when the
same shall have been acquired, shall be taken down and removed in sections
of buildings, and new buildings upon the said lands shall be erected according
to regulations to be from time to time made in that behalf by the Metro-
politan Board of Works, with the approval of one of Her Majesty's Principal
Secretaries of State.

The existing Cartwright Street shall be widened to 30 feet, and extended
southward into Upper East Smithfield, to effect a thoroughfare for carriage
traffic between Royal Mint Street and Upper East Smithfield. The extended
portion shall also be of a width of 30 feet, except opposite to the premises
which in the amended map marked A A are coloured purple.

The existing Glasshouse Street shall be widened to 30 feet from Royal Mint
Street to Sir Henry Peek's premises.

There shall be formed a roadway 20 feet wide in continuation of Blue
Anchor Yard, so as to maintain the present access to the arches under the
Great Eastern Railway viaduct.

Whitehall, June 12, 1876.

RICHARD ASSHETON CROSS.

SCHEME AS MADE BY THE METROPOLITAN
BOARD OF WORKS.

THE ARTIZANS AND LABOURERS DWELLINGS IMPROVEMENT ACT, 1875.

METROPOLIS (WHITECHAPEL AND LIMEHOUSE)
IMPROVEMENT.

5

SCHEME for the Improvement of certain Lands within the Metropolis situate in the Whitechapel District, and in the Limehouse District, in pursuance of the Artizans and Labourers Dwellings Improvement Act, 1875.

PRELIMINARY.

- 10 WHEREAS official representations under the provisions of the third section of The Artizans and Labourers Dwellings Improvement Act, 1875, were made to us, the Metropolitan Board of Works, on the 27th day of July 1875, and on the 9th day of November 1875, respectively by John Liddle, M.D., the medical officer of health of the Board of Works for the Whitechapel district, and by George Arthur Rogers, the medical officer of health of the Board of Works for the Limehouse district, with respect to certain areas respectively described in Part I. and Part II. of the Schedule A. to this Scheme annexed, situated in the Whitechapel district and in the Limehouse district respectively, and under our jurisdiction as the local authority within the meaning of the said Artizans and Labourers Dwellings Improvement Act, 1875, to
- 15 the effect that diseases indicating a generally low condition of health amongst the population in the said area described in Part I. of the said Schedule A. have been from time to time prevalent, and that such prevalence may reasonably be attributed to the closeness, narrowness, and bad arrangements and bad condition of the streets and houses within the said area, and that certain houses, courts, and alleys within the
- 20 said area described in Part II. of the said schedule are unfit for human habitation, and that the evils connected with the said houses, courts, and alleys, and the sanitary defects in the said areas respectively cannot be effectually remedied otherwise than by an improvement scheme for the re-arrangement and reconstruction of the streets and houses within the said areas respectively:
- 30 And whereas on the 12th day of November 1875 we, the Metropolitan Board of Works, did take such representations respectively into our consideration, and being satisfied of the truth thereof, and of the sufficiency of our resources, did pass a resolution to the effect that the said areas are unhealthy areas, and that an improvement scheme ought to be made in respect thereof, comprising such of the lands within the said areas
- 35 and such neighbouring lands as are delineated and coloured red on the map marked A to this Scheme annexed:

Now, therefore, we, the Metropolitan Board of Works, in furtherance of such resolution, and in pursuance of the provisions of The Artizans and Labourers Dwellings Improvement Act, 1875, and the powers by the said Act conferred upon us,

40 do make the Scheme following:

[241.]

A 3

6 *Metropolis (Whitechapel and Limehouse) [39 & 40 VICT.]*
 Improvement Scheme Confirmation.

A.D. 1876.

IMPROVEMENT AREA.

1. The lands delineated and coloured red on the map marked A to this Scheme annexed shall constitute the improvement area to which this Scheme applies.

ACQUISITION OF LANDS.

2. The lands constituting the said improvement area, or any of them, may, for the 5 purposes of this Scheme, be taken compulsorily.

APPROPRIATION OF LANDS.

3. The lands constituting the said improvement area shall be appropriated to the following purposes respectively :

(a.) The erection of dwellings for the working classes in the situations shown on 10 the plan marked B to this Scheme annexed, which dwellings shall be so constructed as to afford the accommodation and to have the sanitary arrangements respectively specified in the particulars set forth in the Schedule B. to this Scheme annexed ; and

(b.) The making, widening, and improving, in the lines and within the limits shown 15 on the said plan marked B to this Scheme annexed, of the streets and approaches shown thereon, according to the particulars set forth in the Schedule B. to this Scheme annexed.

4. In the appropriation to the aforesaid purposes of the lands constituting the said improvement area, any regulations made for the purposes and in the manner specified 20 in the particulars set forth in the Schedule B. to this Scheme annexed shall be duly observed.

EXECUTION OF SCHEME.

5. The Metropolitan Board of Works shall carry this scheme into execution, in accordance with and subject to the provisions of the Artizans and Labourers 25 Dwellings Improvement Act, 1875, and subject to such conditions and modifications as may be prescribed and made under the authority of the said Act, the Provisional Order authorising the execution of this scheme, or the Act confirming such Provisional Order.

SHORT TITLE.

6. This scheme may be cited for all purposes as "The Metropolis (Whitechapel and Limehouse) Improvement Scheme, 1876."

SCHEDULE A.

PART I.

Area with respect to which the Official Representation referred to in the fore- 35 going Scheme was made by John Liddle, M.D., the Medical Officer of Health of the Board of Works for the Whitechapel District.

The area situated partly within the parish of Whitechapel, and partly within the parish of Aldgate, both within the Whitechapel district, and extending from Dock Street, Whitechapel, on the east, to Peter's Court, on the west, being bounded on 40 the north by Royal Mint Street, and on the south by the portion of Upper East Smithfield, extending from Cock Alley, and thence eastward to the boundary of the

parish of Aldgate, and following the boundary of that parish northward to its junction with the southern boundary of the parish of Whitechapel, and thence eastward along the line of the boundary of the last-mentioned parish to Dock Street. A.D. 1876.

PART II.

- 5 Area with respect to which the Official Representation referred to in the foregoing Scheme was made by George Arthur Rogers, M.D., the Medical Officer of Health of the Board of Works for the Limehouse District.

The two plots or parcels of land, houses, and premises, within the parish of St. John, Wapping, firstly and secondly hereunder mentioned; that is to say,

- 10 firstly, the plot or parcel situate in Cooper's Row, Cooper's Court, Brown Bear Alley, Black Jack Alley, and Green Yard, bounded on the south by houses and premises in Upper East Smithfield; on the east partly by the goods depôt of the Great Eastern Railway Company and partly by the house and premises known as No. 50, Upper East Smithfield; on the north partly by the parish boundary and partly by the goods depôt aforesaid; and on the west partly by the parish boundary and partly by the houses and premises known as Nos. 41 and 42, Upper East Smithfield; and, secondly, the plot or parcel situate in Chambers' Square, and comprising the houses and premises on the north, the east, and the west sides thereof.

SCHEDULE B.

- 20 Particulars referred to in the foregoing Scheme.

The dwellings to be erected upon the lands constituting the improvement area shall be built in twenty-two blocks, distinguished by the letters A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, respectively shown on the plan marked B to the foregoing Scheme annexed in the situations where the said blocks are intended to be placed.

The superficial area of these blocks shall be as follows :—

	Of A,	3,610 feet.
	„ B,	6,400 „
	„ C,	3,640 „
30	„ D,	4,480 „
	„ E,	4,900 „
	„ F,	5,600 „
	„ G,	3,600 „
	„ H,	5,800 „
35	„ I,	2,400 „
	„ J,	320 „
	„ K,	4,608 „
	„ L,	1,600 „
	„ M,	3,250 „
40	„ N,	13,300 „
	„ O,	1,280 „
	„ P,	6,400 „
	„ Q,	6,080 „
	„ R,	1,520 „
45	„ S,	3,420 „
	„ T,	3,920 „
	„ U,	3,160 „
	„ V,	3,200 „

amounting in the whole to a total superficial area of 92,488 feet.

8 *Metropolis (Whitechapel and Limehouse) [39 & 40 Vict.]*
Improvement Scheme Confirmation.

A.D. 1876. Each block shall be four storeys in height, and each storey shall not be less than 8 feet in height in the clear.

The blocks shall be so constructed as to contain in the aggregate not less than 1,077 tenements, which shall be composed of not less than—

800 tenements of one room, each tenement containing a clear area of not less than 5
140 feet ;

160 tenements of two rooms, each tenement containing an aggregate clear area of not less than 250 feet ;

117 tenements of three rooms, each tenement containing an aggregate clear area of not less than 350 feet ;

affording accommodation for not less than 3,600 persons ; that is to say, for 60 persons more than the number of the working class which will be displaced.

Each block shall be furnished with waterclosets, sinks with water supply, and dust shoots, according to the number and size of the tenements in such block.

The buildings upon the lands constituting the improvement area, when the same shall have been acquired, shall be taken down and removed in sections of buildings, and new buildings upon the said lands shall be erected according to regulations to be from time to time made in that behalf by the Metropolitan Board of Works, with the approval of one of Her Majesty's Principal Secretaries.

The existing Cartwright Street shall be widened to 30 feet and extended southward into Upper East Smithfield, to effect a thoroughfare for carriage traffic between Royal Mint Street and Upper East Smithfield. The extended portion shall also be of a width of 30 feet.

The existing Turner Street shall be widened to 30 feet, and a new street formed, 30 feet wide, in extension thereof into Dock Street.

The existing Darby Street shall be widened to 30 feet.

The existing Glasshouse Street shall be widened to 30 feet from Royal Mint Street to Sir Henry Peek's premises.

A new paved footway communication shall be formed between the existing Cooper's Row, Brown Bear Alley, Butler's Buildings, and Cartwright Street, of a width varying from 10 to 30 feet.

Sealed by Order. (L.S.)

ESTIMATE REQUIRED BY SECTION V. OF THE ACT.

	£	
Cost of land	100,000	35
Cost of roads and sewers and incidental works	10,500	
	110,500	
Less recoupment	56,100	
Net cost	£54,400	

Metropolis (Whitechapel
and Limehouse)
Improvement Scheme
Confirmation. [H.L.]

A

B I L L

INTITLED

An Act to confirm a Provisional Order
of one of Her Majesty's Principal
Secretaries of State for the improve-
ment of an unhealthy area in the
Whitechapel District, and an un-
healthy area in the Limehouse Dis-
trict, within the Metropolis.

(*Brought from the Lords 7 July 1876.*)

*Ordered, by The House of Commons, to be Printed,
7 July 1876.*

[Bill 241.]

Under 2 oz.

Metropolitan Board of Works (Loans) Bill.

MEMORANDUM.

Tables for the Metropolitan Board of Works (Loans) Bill, Session 1876.

TABLE I.—MONEY RAISED BY THE METROPOLITAN BOARD OF WORKS SINCE 1856, THE YEAR IN WHICH THE METROPOLIS LOCAL MANAGEMENT ACT CAME INTO OPERATION, AND NET DEBT OF THE BOARD ON 31ST DECEMBER 1875.

	£
For discharge of Loans of former Commissioners of Sewers - - -	275,000
„ Main Drainage and Main Sewers - - -	5,352,000
„ Victoria, Albert, and Chelsea Embankments, and Queen Victoria Street -	4,318,532
„ Charing Cross and Victoria Embankment Approach - - -	616,750
„ Street Improvements under special Acts of Parliament - - -	2,817,525
„ Local and Minor Improvements under general Act - - -	298,209
„ Finsbury Park, Southwark Park, Hampstead Heath, Victoria Park (additional land), Blackheath, Shepherd's Bush, and other Commons and Open Spaces -	334,912
„ Fire Brigade Stations and Plant - - -	115,000
„ Loans to the Managers of the Metropolitan Asylums District -	600,000
„ Loans to the School Board for London and other Local Authorities -	408,975
„ Government Stamp Duty and other costs in raising Loans -	36,894
„ Conversion of Debt - - -	*2,111,600
Amount not yet applied, but applicable to some of the foregoing purposes -	174,503
	<u>£17,459,900</u>
Debt repaid :	
(a.) Before the passing of the Loans Act of 1869 - -	£2,010,539
(b.) Since that date (for further details, see Table V.) -	1,506,081
(c.) By conversion into Metropolitan Consolidated Stock -	2,111,600*
	<u>5,628,220</u>
Gross debt outstanding on 31st December 1875 :	
Consolidated Stock - - -	7,616,044
Old Liabilities - - -	4,215,636
	<u>11,831,680</u>
Deduct :	
Loans advanced by the Board, and outstanding - -	894,241
Surplus land and property, as estimated - -	1,580,512
Investments, in Government Stock, of money applicable to redemption of debt - - -	140,228
	<u>2,614,981</u>
Net debt outstanding on 31st December 1875 - - -	<u>£9,216,699</u>
<i>The net debt outstanding on 31st December 1874 was</i> - - -	<u>£9,439,467</u>

* This was not inserted last year, but it is thought better now to insert it, so as to show the total money raised. The net debt is not affected by the entry.

TABLE II.—UNEXHAUSTED BORROWING POWERS OF THE BOARD.

Act conferring Borrowing Power.	Purpose of Borrowing.	Amount of Unexhausted Borrowing Power.
The Metropolitan Board of Works (Loans) Act, 1869 (32 & 33 Vict. c. 102).	Works under the Board's General Improvement, Main Drainage, and Embankment Acts.	£ 440,018 s. 14 d. 10
The Tramways Act, 1870 (33 & 34 Vict. c. 78).	Tramways - - - - -	{ 300,000 0 0 Stock.
The Metropolitan Street Improvements Act, 1872 (35 & 36 Vict. c. clxiii).	New streets as specified in the Act - -	
The Kew and other Bridges Act, 1869 (Amendment) Act, 1874 (37 & 38 Vict. c. xxi).	Loan to Joint Committee of Board and Corporation of City for freeing certain Bridges from Toll.	50,000 0 0
The Metropolitan Inner Circle Completion Act, 1874 (37 & 38 Vict. c. cxcix).	Contribution towards completing the Inner Circle Railway and forming a street in the City.	370,000 0 0
	Loan to Commissioners of Sewers of City for contribution to same object.	130,000 0 0
The Metropolitan Board of Works (Loans) Act, 1875 (38 & 39 Vict. c. 65).	Minor improvements - - - - -	120,000 0 0
	Fire brigade - - - - -	15,000 0 0
The West Kent Main Sewerage Act (38 & 39 Vict. c. 163).	Loans to vestries, boards of guardians, &c.	350,000 0 0
	Loan to the West Kent Main Sewerage Board.	150,000 0 0

The following are exhausted borrowing powers having purposes, but not limits, specified :—

Act conferring Borrowing Power.	Purpose of borrowing.	Further Amount (estimated) required to be borrowed.
The Elementary Education Act, 1870 (33 & 34 Vict. c. 75).	Loans to the School Board for London -	£ s. d. Uncertain.
The Metropolitan Commons Supplemental Act, 1871 (34 & 35 Vict. c. lvii).	Blackheath - - - - -	{ 1,000 0 0
The Metropolitan Commons Second Supplemental Act, 1871 (34 & 35 Vict. c. lxiii).	Shepherd's Bush - - - - -	
The Metropolitan Commons Supplemental Act, 1872 (35 & 36 Vict. c. xliii).	Hackney Commons - - - - -	{ Nil.
The Hornsey Local Board Act, 1871 (34 & 35 Vict. c. cxxix).	Loans to Hornsey Local Board - -	
The Charing Cross and Victoria Embankment Approach Act, 1873 (36 & 37 Vict., c. c).	Charing Cross and Victoria Embankment Approach.	Uncertain.
The Beckenham Sewerage Act, 1873 (36 & 37 Vict. c. ccxviii).	Loans for Beckenham Sewerage - -	Nil.
The Leicester Square Act, 1874 (37 & 38 Vict. c. x.)	Leicester Square - - - - -	Nil.
The Metropolitan Board of Works Act, 1874 (37 & 38 Vict. c. xevii).	New Road, Finsbury Park - - -	10,000 0 0
The Artizans and Labourers Dwellings Improvement Act, 1875 (38 & 39 Vict. c. 36).	Artisans Dwellings - - - - -	Uncertain.
The Metropolitan Board of Works (Various Powers) Act, 1875 (38 & 39 Vict. c. 179).	Improvements in the Savoy, Charing Cross Approach, Finsbury Park Road, &c.	Uncertain.
* See note.	Total (approximately) - - -	£2,719,938 14 10

* NOTE.—During the present Session, 1876, a further Borrowing Power has been sanctioned, but no limit is specified in the Act (39 & 40 Vict.) as to the amount, for "Sun Street and Worship Street Improvements." It is estimated that the gross cost will be £127,800, and the Board may, under Sec. 31, make a Loan to the Vestry for the amount of their contribution or expenditure.

TABLE III.—RATING OF METROPOLIS.

Year.	Rateable Annual Value of Property.	Rate in Pound levied by Board.
	£	d.
1856	11,283,663	2·09
1857	11,290,869	1·86
1858	12,031,151	2·13
1859	12,045,476	4·3
1860	12,057,455	5·38
1861	12,450,416	5·32
1862	12,514,053	5·2
1863	12,569,969	5·53
1864	12,588,661	6·12
1865	14,419,823	5·22
1866	14,524,542	6·32
1867	15,261,999	6·99
1868	16,196,547	6·09
1869	16,257,643	6·04
1870	18,719,237	5·1
1871	18,683,288	3·31
1872	19,971,281	2·68
1873	20,287,709	2·74
1874	20,549,011	4·42
1875	20,886,946	5·26
1876	23,276,000	4·6
	Estimated.	Estimated.
1877	23,500,000	4·5

TABLE IV.—RATING OF THE METROPOLIS IN 1876 IN RESPECT OF DEBT.

The total charge for interest and redemption of capital is	-	-	-	-	£ 640,435
Towards which coal and wine duties, interest receivable from local authorities, and rents of land and premises on the various lines of improvements not yet disposed of, amount to	-	-	-	-	324,851
Net charge of debt on rates	-	-	-	-	£ 315,584
or equivalent to a charge on the rates of 3·25 <i>d.</i> in the pound.					
The net charge of debt on rates in 1875 was	-	-	-	-	£ 307,139
or 3·52 <i>d.</i> in the pound.					

For every 100,000*l.* by which the debt is increased, the additional charge on the rates will amount to 0·05*d.* in the pound, unless counterbalanced by the increase of the rateable annual value.

TABLE V.—REDEMPTION OF DEBT SINCE THE PASSING OF THE LOANS ACT OF 1869.

ACCOUNT of SUMS received into the Consolidated Loans Fund from 9th August 1869 (the date of the Loans Act of 1869) to 31st December 1875, and applicable to the Redemption of Debt.

<i>Receipts.</i>			<i>Disbursements.</i>		
	£	s. d.		£	s. d.
From sales of property, various improvements	-	625,978 14 2	Applied to repayment of debt	-	1,506,081 3 11
From accrued balance of mortgage debt sinking fund	-	152,600 0 0	Invested in Government Stock	-	132,430 0 2
From precept account, amounts raised for redemption of debt:			Balance not yet applied	-	84,310 0 10
	£	s. d.			
1869-70 (half year)	54,418	0 0			
1870-71	-	108,835 0 0			
1871 (3-quarters)	-	107,231 0 10			
1872	-	109,754 3 11			
1873	-	112,790 18 3			
1874	-	143,040 19 2			
1875	-	181,014 8 10			
		817,084 11 0			
From sundry Boards in repayment of loans advanced out of Metropolitan Consolidated Stock	-	114,965 19 9			
From Local Boards, on admission into main drainage system	-	12,192 0 0			
	£	1,722,821 4 11		£	1,722,821 4 11

Spring Gardens,
4th July 1876.

ARTHUR GUNN,
Accountant.

Metropolitan Board of Works (Loans) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title.
 2. Construction of Act.
 3. Power for Board to expend for general improvements and contributions.
 4. Power for Board to expend for fire brigade purposes.
 5. Amendment of section 3 of Loans Act of 1875 as to limit of amount to be expended on fire brigade.
 6. Amendment of section 4 of Act of 1875 as to limit of amount to be lent.
 7. Power for Board to lend to vestry or district board.
 8. Power for Board to lend to board of guardians.
 9. Power for Board to lend to corporation, burial board, &c.
 10. Extension of amount of loans by Board for Metropolitan Asylum District.
 11. Alteration of limitation of borrowing power.
 12. Repayments to go to Consolidated Loans Fund.
-

A
B I L L

FOR

Further amending the Acts relating to the raising of Money by the Metropolitan Board of Works; and for other purposes relating thereto. A.D. 1876.

WHEREAS by the Metropolitan Board of Works (Loans) Act, 1875, in this Act referred to as “the Act of 1875,” the raising of money by the Metropolitan Board of Works (in the Act referred to as “the Board”) for the purposes therein specified was regulated, and provision was made requiring that the borrowing powers granted to the Board by Parliament for the purposes therein named should for the future be limited both in time and amount :

And whereas the powers for the raising of money by the Act of 1875 conferred upon the Board have been partially exercised, but it is expedient that the Board should have power to raise further sums of money for the purposes by this Act prescribed, and that in accordance with the provisions of the Act of 1875 limits of time and amount within which such powers may be exercised should be fixed :

Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the Metropolitan Board of Works (Loans) Act, 1876. Short title.

2. This Act shall be read and have effect as one with the Metropolitan Board of Works (Loans) Acts, 1869 to 1871, and the Act of 1875. Construction of Act.

3. The Board may from time to time, up to the *thirty-first day of December one thousand eight hundred and seventy-seven*, expend under section one hundred and forty-four of the Metropolis Management Act, 1855, and section seventy-two of the Metropolis Power for Board to expend for general improvements and contributions.

[Bill 251.]

A 2

A.D. 1876. Management Amendment Act, 1862, such money as they think fit for the purposes mentioned in the said sections respectively.

The aggregate amount expended by the Board under this section shall not exceed *one hundred thousand pounds*.

The Board in order to raise money for purposes of this section 5 may from time to time create consolidated stock.

Power for Board to expend for fire brigade purposes.

4. The Board may from time to time, up to the *thirty-first day of December one thousand eight hundred and seventy-seven*, expend for the purposes of providing station houses, fire engines, fire escapes, and permanent plant, for the purposes of the Fire Brigade 10 Act, 1865, such money as they think fit, not exceeding *twenty thousand pounds*.

The Board in order to raise money for purposes of this section may from time to time create consolidated stock.

The Board shall from time to time carry to the Consolidated 15 Loans Fund such sums as the Treasury approve as being in their opinion sufficient to redeem, within *thirty years* from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to that so created.

Amendment of s. 3 of the Loans Act, 1875, as to limit of amount to be expended on fire brigade.

5. Section three of the Loans Act, 1875, shall be read and construed 20 as if the aggregate amount which the Board was authorised to raise and expend for the purposes of the fire brigade had been limited to a sum not exceeding *fifty-five thousand pounds* instead of fifteen thousand pounds.

Amendment of s. 4 of Act of 1875 as to limit of amount to be lent.

6. Section four of the Act of 1875 shall be read and construed as 25 if the aggregate amount which the Board was authorised to lend to vestries and district boards under the said section had been limited to a sum not exceeding *two hundred thousand pounds* instead of to a sum not exceeding one hundred thousand pounds.

Power for Board to lend to vestry or district board.

7. Where a vestry or district board constituted under the 30 Metropolis Management Act, 1855, desire, in pursuance of authority vested in them by Act of Parliament, to borrow money for the purpose of any work, or for the purpose of paying off any loan or debt, or for any other purpose, and it appears to the Board and to the Treasury expedient that the repayment of the money to be 35 borrowed shall be spread over a series of years, then from time to time, up to the *thirty-first day of December one thousand eight hundred and seventy-seven*, the Board may lend to the vestry or district board, and the vestry or district board may borrow from the Board, such money as the Board think fit, and as the vestry or 40 district board are authorised and desire to borrow.

The aggregate amount lent by the Board under this section shall not exceed *one hundred and fifty thousand pounds*. A.D. 1876.

The Board in order to raise money for purposes of this section may from time to time create consolidated stock.

- 5 Money lent by the Board under this section shall, notwithstanding anything in any other Act, be repaid to them with interest within such time after the borrowing as the Board and the borrowers, with the approval of the Treasury, agree, not exceeding in case of a loan for purposes of improvements effected by the widening of streets
10 or bridges, or for the purpose of purchase of land in fee simple, *sixty years*, and for any other purpose *thirty years*.

- In case of a loan required to be for not exceeding thirty years, the Board shall from time to time carry to the Consolidated Loans Fund such sums as the Treasury approve as being in their opinion
15 sufficient to redeem within the period for which the loan is made, not exceeding thirty years from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to that so created.

8. Where a board of guardians of a union or parish wholly or
20 for the greater part in the metropolis, as defined in the Metropolis Management Act, 1855, desire, in pursuance of authority vested in them, to borrow money for the purpose of any work, or for the purpose of paying off any loan or debt, or for any other purpose, and it appears to the Board and the Treasury expedient that the
25 repayment of the money to be borrowed shall be spread over a series of years, then from time to time, up to the *thirty-first day of December one thousand eight hundred and seventy-seven*, the Board may lend to the board of guardians, and the board of guardians may borrow from the Board, such money as the Board think fit,
30 and as the board of guardians are authorised and desire to borrow.

Power for Board to lend to board of guardians.

The aggregate amount lent by the Board under this section shall not exceed *one hundred and twenty thousand pounds*.

The Board in order to raise money for purposes of this section may from time to time create consolidated stock.

- 35 Money lent by the Board under this section shall, notwithstanding anything in any other Act, be repaid to them with interest, within such time after the borrowing as the Board and the borrowers, with the approval of the Treasury, agree, not exceeding thirty years.
- 40 The Board shall from time to time carry to the Consolidated Loan Fund such sums as the Treasury approve, as being in their opinion sufficient to redeem, within the period for which the loan is made, not exceeding thirty years from the date of the creation of

A.D. 1876.

stock for purposes of this section, an amount of consolidated stock equal to that so created.

Power for
Board to lend
to corpora-
tions, burial
boards, &c.

9. Where any corporation, body of commissioners, burial board, or other public body having power to levy, directly or indirectly, rates in respect of lands in the metropolis, as defined in the Metro- 5 polis Management Act, 1855, or to make charges on rates leviable in the metropolis as so defined, or to take within the metropolis as so defined dues or impositions in the nature of rates, desire, in pursuance of authority vested in them, to borrow money for the purpose of any work, or for the purpose of paying off any loan or 10 debt, or for any other purpose, and it appears to the Board and to the Treasury expedient that the repayment of the money to be borrowed shall be spread over a series of years, then from time to time, up to the *thirty-first day of December one thousand eight hundred and seventy-seven*, with the approval of the Treasury, the 15 Board may lend to the corporation, commissioners, burial board, or other public body, and they may borrow from the Board, such money as the Board think fit, and as the corporation, commissioners, burial board, or other public body are authorised and desire to borrow. 20

The aggregate amount lent by the Board under this section shall not exceed *fifty thousand pounds*.

The Board in order to raise money for purposes of this section may from time to time create consolidated stock.

Money lent by the Board under this section shall, notwith- 25 standing anything in any other Act, be repaid to them with interest within such time after the borrowing as the Board and the borrowers, with the approval of the Treasury, agree, not exceeding in case of a loan for purposes of improvements effected by the widening of streets or bridges, or for the purpose of purchase of land in fee 30 simple, *sixty years*, and for any other purpose *thirty years*.

In case of a loan required to be for not exceeding thirty years, the Board shall from time to time carry to the Consolidated Loans Fund such sums as the Treasury approve as being in their opinion sufficient to redeem, within the period for which the loan is made, 35 not exceeding thirty years from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to that so created.

Nothing in this section shall apply to the case of the managers of the Metropolitan Asylum District or of the School Board for 40 London.

Extension of
amount of
loans by

10. The Board may from time to time, up to the *thirty-first day of December one thousand eight hundred and seventy-seven*, lend

to the managers of the Metropolitan Asylum District, in addition to the sum of five hundred thousand pounds authorised by section thirty-seven of the Metropolitan Board of Works (Loans) Act, 1869, and to the sum of one hundred thousand pounds authorised by section seventeen of the Metropolitan Board of Works (Loans) Act, 1871, and to the sum of one hundred thousand pounds authorised by section seven of the Act of 1875, such sums as the managers are from time to time authorised by the Local Government Board to borrow in pursuance of the Acts in the first-mentioned section referred to, not exceeding in the whole *one hundred thousand pounds*; and the first-mentioned section shall be construed as if *eight hundred thousand pounds* were therein substituted for five hundred thousand pounds.

A.D. 1876.
Board for
Metropolitan
Asylum
District.

11. The limitation on the borrowing power of the Board contained in section thirty-eight of the Metropolitan Board of Works (Loans) Act, 1869, shall not extend to money raised by the Board for purposes mentioned in this Act.

Alteration of
limitation of
borrowing
power.

12. All sums received by the Board in respect of interest on or principal of any loan made by them under this Act shall be carried to the Consolidated Loans Fund.

Repayments
to go to Con-
solidated
Loans Fund.

Metropolitan Board of Works (Loans).

A

B I L L

For further amending the Acts relating
to the raising of Money by the
Metropolitan Board of Works, and
for other purposes relating thereto.

(*Prepared and brought in by*
Mr. William Henry Smith and
Mr. Chancellor of the Exchequer.)

Ordered, by The House of Commons, to be Printed,
14 July 1876.

[Bill 251.]
Under 2 oz.

A

B I L L

TO

Confirm a Scheme under the Metropolitan Commons Act, A.D. 1876.
 1866, and the Metropolitan Commons Amendment Act,
 1869, relating to Barnes Common.

WHEREAS the Inclosure Commissioners for England and
 Wales have, in pursuance of the Metropolitan Commons Act,
 1866, and Metropolitan Commons Amendment Act, 1869, duly
 certified a Scheme for the establishment of local management with
 5 respect to Barnes Common, situate in the parish of Barnes, in the
 county of Surrey :

And whereas the said Scheme is set forth in full in the report
 which was made by the said Commissioners for the year ending
 the thirty-first day of December one thousand eight hundred and
 10 seventy-five, and was duly laid before both Houses of Parliament :

And whereas it is by the said Metropolitan Commons Act, 1866,
 provided that any such Scheme shall not of itself have any opera-
 tion, but shall have full operation when and as confirmed by Act
 of Parliament, with such modifications, if any, as to Parliament
 15 seem fit :

And whereas it is expedient that the said Scheme relating to
 Barnes Common should be confirmed, subject to certain modifica-
 tions :

Be it therefore enacted by the Queen's most Excellent Majesty,
 20 by and with the advice and consent of the Lords Spiritual and
 Temporal, and Commons, in this present Parliament assembled, and
 by the authority of the same, as follows :

1. The Scheme for the establishment of local management with
 respect to Barnes Common, situate in the parish of Barnes, in the
 25 county of Surrey, certified by the Inclosure Commissioners for
 England and Wales under their seal on the twenty-seventh day of
 May one thousand eight hundred and seventy-five, shall be modified
 so as to be in the terms specified in the schedule to this Act, and so
 modified shall be hereby confirmed.

Scheme as to
 Barnes Com-
 mon con-
 firmed with
 modifica-
 tions.

30 2. This Act may be cited for all purposes as the Metropolitan Short title.
 Commons Supplemental Act, 1876.

[Bill 181.]

A

A.D. 1876.

SCHEDULE.

THE METROPOLITAN COMMONS ACT, 1866, AND THE METROPOLITAN COMMONS AMENDMENT ACT, 1869.

SCHEME FOR THE ESTABLISHMENT OF LOCAL MANAGEMENT WITH RESPECT TO BARNES COMMON. 5

1. Barnes Common, in the county of Surrey (which shall for all the purposes of this Scheme be deemed to consist of the several tracts of waste land delineated in a plan deposited with the Inclosure Commissioners for England and Wales, and therein coloured green), shall henceforth for all the purposes of this Scheme be regulated and managed by a body of Conservators. 10

1A. The first Conservators shall be the following, namely :

One person to be nominated (if he or they think fit) by the lord or lords for the time being of the manor of Barnes, in writing, under the hand or seal of such lord or lords, and the following six persons ; that is to say,

Henry Browne Alexander, of "The Laurels," in the parish of Barnes, in 15
the county of Surrey.

Woodthorpe Brandon, Thomas Hardwick Merriman, John Sampson Peirce, Henry David Pochin, and William Henry Ratcliff,	}	all of Barnes, in the said county of Surrey. 20
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1B. The first Conservator nominated as aforesaid by the lord or lords of the said manor shall hold office until his nomination is revoked or another appointed in his place. The said Henry Browne Alexander, Woodthorpe Brandon, Thomas Hardwick Merriman, John Sampson Peirce, Henry David 25
Pochin, and William Henry Ratcliff, shall hold office until the first election of Conservators under this Scheme, as herein-after provided.

2. The Conservators, other than the first, shall consist of the following persons, namely : one person to be nominated (if he or they think fit) by the lord or lords for the time being of the manor of Barnes, in writing, under the hand 30
or seal of such lord or lords, and six other persons to be triennially elected by the parish vestry of the parish of Barnes.

3. The first election of Conservators under this Scheme shall be made at the vestry next following the next Easter Day after the confirmation of this Scheme by Act of Parliament, and the succeeding elections of Conservators shall be 35
held triennially at the vestry next following Easter Day, or as soon after as conveniently may be ; and the Conservators so respectively elected as aforesaid at each election shall hold office until the election of their successors, and no longer.

In the event of any delay occurring in any nomination of a Conservator by the lord or lords of the said manor, then the Conservators appointed by the said vestry may act and proceed as if such nomination had been made, and their acts shall be and be deemed valid and effectual. A.D. 1876.

5 4. Any Conservator, after going out of office, resigning, or otherwise ceasing to be a Conservator, may be again elected a Conservator. In the event of any vacancy in the number of Conservators, by death, resignation, or otherwise, between the times fixed for election, as aforesaid, or if at any time there shall not be a full number of Conservators, the Conservators for the time being
10 shall continue to be as competent to act as if no such vacancy or deficiency in number had occurred: Provided that in the case of any such vacancy by death, resignation, or otherwise, if the same shall relate to a Conservator nominated as aforesaid, the lords of the manor of Barnes may nominate another Conservator in like manner; and if the said vacancy shall relate to
15 an elected Conservator, the vestry of the said parish of Barnes shall, as soon as conveniently may be, elect some proper person as a Conservator to supply such vacancy, but the person so elected shall retain his office so long only as the vacating Conservator would have retained the same if no such vacancy had occurred.

20 5. No bankrupt or insolvent or person who has compounded with his creditors shall be capable of being or continuing a Conservator.

6. No Conservator shall receive any remuneration, or hold any office of profit under this Scheme.

7. Any act of the Conservators shall not be invalidated or be illegal by
25 reason of there being any vacancy among the Conservators, or by reason of any irregularity in the appointment or election of any Conservator, or by reason of any person not qualified or ceasing to be qualified acting as a Conservator, or by reason of any failure or omission on any occasion to appoint or elect any Conservator, or by reason of any other irregularity, failure, or omission
30 in or about any appointment or election, or in or about any matter preliminary or incidental thereto.

8. The Conservators shall hold meetings for transacting business under this Scheme twice at least in every year, and at such other times as may be necessary for properly executing their powers and duties under this Scheme,
35 and shall from time to time make regulations with respect to the summoning, notice, place, management, and adjournment of such meetings, and generally with respect to the transaction and management of business by such Conservators under this Scheme: Provided always, that no business shall be transacted at any such meeting unless three Conservators at least are present thereat,
40 and all questions shall be decided by a majority of votes, and the names of the members present shall be recorded, and the said Conservators shall annually appoint one of their number to be chairman for one year at all meetings at which he is present; and in case the chairman so appointed be absent from any meeting at the time appointed for holding the same, the
45 Conservators present shall appoint one of their number to act as chairman thereat, and in case the chairman appointed as first aforesaid shall die, resign or become incapable of acting, another Conservator shall be appointed to be,

A.D. 1876. chairman for the period during which the person so dying, resigning, or becoming incapable would have been entitled to continue in office; and the chairman at any meeting shall have a second or casting vote in case of an equality of votes.

9. The Conservators shall from time to time provide and maintain such offices as may be necessary for transacting their business, and that of their officers and servants, under this Scheme, and shall cause to be made a seal for the use of the said Conservators under this Scheme, and documents or copies of documents purporting to proceed from the said Conservators, and to be signed by any three or more Conservators, or to be sealed or stamped with such seal, shall be received as *prima facie* evidence in all courts and places whatsoever.

10. The Conservators shall cause entries of all the proceedings of the Conservators, and of every committee appointed by them, with the names of the Conservators who shall attend each meeting, to be duly made from time to time in books to be provided for the purpose, which shall be kept by the clerk under the superintendence of the Conservators; and every such entry shall be signed by the chairman of the meeting at which the proceedings took place, and such entry so signed shall be received as evidence in all courts and before all judges, justices, and others, without proof of such meeting having been duly convened or held, or of the persons attending such meeting having been or being Conservators or members of committees respectively, or of the signature of the chairman, or of the fact of his having been chairman, all of which last-mentioned matters shall be presumed until the contrary is proved; and such books shall at all reasonable times be open to the inspection of any of the Conservators, and of any mortgagee of the property of the Conservators.

11. The Conservators may from time to time appoint a fit and proper person, or fit and proper persons, to be their clerk and treasurer, and shall appoint or employ such common-keepers, collectors, and other officers and servants as may be necessary and proper for the preservation of order on and the enforcement of byelaws with respect to Barnes Common, and otherwise for the purposes of this Scheme, and may make rules for regulating the duties and conduct of the several officers and servants so appointed and employed (altering such rules as occasion may require); and the Conservators may pay, out of the moneys to be received under this Scheme, to such officers and servants such reasonable wages, salaries, or allowance as they may think proper, and every such officer and servant shall be removable by the Conservators at their pleasure.

12. The Conservators may execute any works of drainage, raising, levelling, or fencing, and for the improvement of the common, so far only as may be required for the purposes of the Metropolitan Commons Act, 1866, and the Metropolitan Commons Amendment Act, 1869, and may do any work necessary for the proper cleansing of the pond on Barnes Green, and so much of the Beverley Brook as adjoins Barnes Common, and shall preserve the turf, shrubs, trees, plants, and grass, and for this purpose may enclose by fences, for short periods, such portions as may require rest to revive the same, and may plant for shelter or ornament, or otherwise make more pleasant as a place of exercise

and recreation, the common, but shall do nothing that shall otherwise vary or alter the natural features or aspect of the said common.

13. The Conservators shall maintain the common, as delineated in the plan deposited with the Inclosure Commissioners, free of all encroachment, and shall
5 permit no trespass on, or partial or other enclosure of any part thereof, and no fences, posts, rails, or other matters or things shall be maintained, fixed, or erected thereon without the consent in writing of the Conservators.

14. The Conservators shall frame byelaws and regulations for all or any of the following purposes, namely :

- 10 For the prevention of nuisances and the preservation of order on the common :
For the exclusion and removal therefrom of gipsies, hawkers, beggars, rogues and vagabonds :
 - 15 For the prevention of bird-catching, bird-trapping, taking of birds eggs or nests, and shooting or chasing of game or other animals thereon :
For the prevention of unauthorised persons from turning out or knowingly permitting cattle, sheep, or other animals to graze or feed or remain thereon :
 - 20 For the prevention of pound breach :
For the prevention of the illegal digging or taking thereon or therefrom of turf, sods, bog-earth, gravel, clay, or other substances :
For the prevention of the illegal cutting, felling, or injuring thereon of gorse, heather, timber, or other trees, shrubs, brushwood, or other plants :
 - 25 For the prevention of injury to or the defacing or removing of seats, fences, or barriers, or notice boards, or other things put up by the Conservators thereon :
For the prevention of injury to or disfigurement of fences or trees thereon, or abutting thereon, by the posting of bills, placards, or notices :
For the prevention of the placing thereon of any rubbish, manure, or other substance :
 - 30 For the prevention or regulation of assemblages of persons thereon, and of sports and games played thereon :
For the prevention of unauthorised persons from passing over the common, or any specified part thereof, with vehicles :
 - 35 Generally, for the prevention or restraint of any act or thing tending to the injury or disfigurement of the common, or to interference with the use thereof by the public for purposes of exercise and recreation :
- Provided that all such byelaws made by the Conservators shall be in writing, under their seal, or the signature of any three or more of their number ; and
- 40 the said Conservators may by any such byelaws impose upon offenders against the same such reasonable penalties, to be recovered on summary conviction, as they shall think fit, not exceeding the sum of five pounds for each offence ; and in the case of a continuing offence a further penalty, not exceeding the sum of forty shillings for each day after written notice of the offence ; and
 - 45 the said Conservators may alter or repeal any such byelaws by other byelaws, sealed or signed as last aforesaid, and may make such other byelaws as they may from time to time think fit : Provided always, that all byelaws imposing

A.D. 1876. — any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty: Provided always, that no such byelaws shall be repugnant to the laws of England or the provisions of this Scheme, and no such byelaws shall be of any force or effect unless and until the same be allowed by Her Majesty's First Commissioner of Works for the time being, 5 who is hereby empowered to allow or disallow the same as he may think proper; provided that any certificate of allowance purporting to be signed by the First Commissioner of Works for the time being shall be *prima facie* evidence of such allowance in all courts and places whatsoever: Provided also, that no such byelaws shall be allowed unless notice of intention to 10 apply for allowance thereof shall have been given on the church door of the parish and in one or more of the London daily morning newspapers one calendar month at least before the making of such application, and for one calendar month at least before any such application a copy of the proposed byelaws shall be kept at the office of the Conservators, and be open during 15 office hours thereat to the inspection of the ratepayers of the said parish of Barnes, and other persons interested, without fee or reward, and the common-keeper shall furnish every such person applying for the same with a copy thereof, or of any part thereof, on payment of sixpence for every one hundred words contained in such copy. 20

15. The Conservators may set apart any portion or portions of the common as they may consider expedient for cricket or other games, and may form any cricket ground or grounds, and may temporarily inclose the same with post and chain, or other open fence, so as to prevent cattle straying thereon.

16. All byelaws made by the Conservators in pursuance of this Scheme 25 shall be printed, and shall be sold to any person who may apply for the same at such price, not exceeding one shilling per copy, as the Conservators may determine; and all such byelaws shall be legibly written or printed at length on boards of suitable size, and placed on such parts of the common (not less than three) as to the Conservators may appear desirable. 30

17. The Conservators shall be at liberty to receive and apply for the purposes of this Scheme, or any of them, any subscriptions or donations applicable thereto, and any contributions that may come to their hands.

18. The Conservators shall cause books to be provided and kept, and true and regular accounts to be entered therein of all sums of money received and 35 paid for and on account of this Scheme, and of the several purposes for which such sums of money shall have been received and paid, which books shall at all reasonable times be open to the inspection of any of the Conservators and the mortgagee, assignee in security, or other creditor of the Conservators, and 40 any copyholder of the manor or ratepayer of the parish, without fee or reward, and the Conservators and persons aforesaid, or any of them, may take copies of or extracts from the said books without paying anything for the same, and any clerk or other person having the custody of the said books who shall not on any reasonable demand of any Conservator, mortgagee, creditor, copyholder, or ratepayer, as aforesaid, permit him to inspect the said books, or to take 45 such copies or extracts as aforesaid, shall be liable to a penalty of five pounds for every such offence.

19. The Conservators shall cause their accounts to be balanced in each year to the first Wednesday in March, or to some other day to be fixed by them by byelaw from time to time.

20. A permanent auditor of the said accounts, not being a Conservator, shall
5 be from time to time appointed by the chairman of quarter sessions for the county of Surrey, who shall fix his remuneration.

21. The said auditor shall attend within one month after the said day to which the accounts have been balanced at the office of the Conservators, or at some other convenient place to be appointed by the Conservators, and from
10 time to time shall, in the presence of the clerk of the Conservators, if he desire to be present, proceed to audit the accounts of the Conservators for the year preceding such day, and the said Conservators shall, by their clerk or otherwise, produce and lay before such auditor the Conservators accounts, accompanied with proper vouchers in support of the same, and all books,
15 papers, and writings in their custody or power relating thereto, and any person interested in the said account, either as a creditor of the Conservators or otherwise, may be present at the audit of the said accounts by himself or his agent, and may make any objection to any part of such account; and if the said accounts be found correct, such auditor shall sign the same in token of his
20 allowance thereof, but if such auditor thinks there is just cause to disapprove of any part of the said accounts, he or any other person interested in the said accounts as aforesaid may appeal against any such parts of the said accounts as shall be so disapproved of to one of the two next quarter sessions for the county of Surrey, notice in writing of such appeal being given to the clerk of
25 the Conservators fourteen days at the least before the hearing of such appeal.

22. Upon the hearing of such appeal the justices may make such order as they think fit respecting the payment of the costs of the appellant out of the moneys coming to the hands of the Conservators, or otherwise as they think fit, and such order shall be final.

23. If any person assaults or resists, or aids or incites any person to assault or resist, any constable or officer of the Conservators, or other person in the exercise of his duty, or the lawful execution of any authority under this Scheme, or under any byelaw of the Conservators, he shall for every such offence be liable on summary conviction to a penalty not exceeding five pounds,
35 without prejudice to any other proceeding or remedy against him.

24. Any constable or any officer of the Conservators, and all persons called by such constable or officer to his assistance, may, without any other warrant than this Scheme, seize and detain any person offending or having offended against any byelaw of the Conservators who shall fail to satisfy such constable
40 or officer as to his true name or address, and such constable or officer shall convey him, with all convenient despatch, before a justice, to be dealt with according to law.

25. Sections one hundred and five, one hundred and six, and one hundred and eight of the Commissioners Clauses Act, 1847 (so far as the same are
45 applicable for the purposes of and not inconsistent with this Scheme), are hereby incorporated with this Scheme.

26. Proceedings with a view to the summary conviction of offenders under this Scheme, or under any byelaws of the Conservators, or to the recovery of

A.D. 1876. — any money or expenses authorised to be recovered summarily, or to any other order to be made by justices under this Scheme, or any such byelaws, shall be taken according to the provisions of the Act of the session of the eleventh and twelfth years of Her Majesty's reign (chapter forty-three), to facilitate the performance of the duties of justices of the peace out of sessions within Eng- 5 land and Wales with respect to summary convictions and orders, and section one hundred and ten of the Act of the session of the twenty-fourth and twenty-fifth years of Her Majesty's reign (chapter ninety-six), to consolidate and amend the statute law of England and Ireland relating to larceny and other similar offences, shall authorise and apply to appeals in respect of such 10 summary convictions and orders.

27. A person shall not be disabled from acting as a justice or otherwise in any matter arising under or in relation to this Scheme by reason of his being an elector under this Scheme.

28. When under this Scheme, or any byelaw of the Conservators, any 15 pecuniary penalty, expenses, or costs, or other money is or are recovered by the Conservators, the same shall, notwithstanding anything in any other Act, be paid to the Conservators, and shall be applied by them for the purposes of this Scheme.

29. The statute passed in the fifty-eighth year of His late Majesty King 20 George the Third (chapter sixty-nine), intituled "An Act for the regulation of Parish Vestries," and the Acts amending the same, and any other Act or Acts of Parliament which may for the time being be in force for the regulation of parish vestries, shall, with respect to the manner of voting and otherwise, as far as circumstances may require or admit, be deemed to extend and apply to 25 the said parish vestry of Barnes, acting in execution of the powers vested in them under this Scheme, and any election made or thing done or sanctioned by a majority of votes taken in manner directed by the same Act or Acts of Parliament shall be deemed to have been made, done, or sanctioned by the said vestry. 30

30. No proceeding to be had touching the conviction of any offender under this Scheme, nor any order or other matter or thing whatsoever made, done, or transacted in or relating to the execution of this Scheme, shall be vacated, quashed, or set aside for want of form.

31. The Conservators may sue and be sued in the name of their clerk for 35 the time being for or concerning any nuisance upon Barnes Common, or for or concerning any contract, matter, or thing relating to any property vested or to become vested in them under this Scheme, and otherwise for or concerning any matter or thing whatsoever relating to the execution of their powers and authorities under this Scheme; and their said clerk shall be deemed to have a 40 sufficient possession of the said common to enable the said Conservators to maintain, in the name of their clerk, an action for trespass with regard thereto; and in all proceedings by or on the part of the said Conservators against any person for stealing, or wilfully injuring or otherwise improperly dealing with any property, works, or things belonging to them or under their manage- 45 ment, it shall be sufficient to state generally that the property or thing in respect of which the proceeding is instituted is the property of the said clerk.

And all legal proceedings by or on the part of or against the said Conservators under this Scheme may be preferred, instituted, and carried on in his name, and no proceedings whatever shall abate or be discontinued by the death, resignation, or removal of the clerk, or by reason of any change or vacancy
 5 among the said Conservators by death, resignation, or otherwise: Provided always, that the clerk in whose name such action or suit, complaint, information, or proceeding may be brought, preferred, instituted, or defended as aforesaid, shall be fully reimbursed out of the moneys in the hands of the Conservators for the purposes of this Scheme, all such costs, charges, damages,
 10 and expenses as he shall or may be or become liable to pay, sustain, or be put unto by reason of his name being so used.

32. No matter or thing done or contract entered into by the Conservators, or any of them, nor any matter or thing done by any clerk, common-keeper, or other officer or person whomsoever acting under the direction of the Conser-
 15 vators, shall, if the matter or thing were done or the contract entered into bonâ fide for the purpose of executing this Scheme, subject them or any of them personally to any action, liability, claim, or demand whatsoever, and any expense incurred by the Conservators, or any of them, or any such clerk or common-keeper, or other officer or person acting as last aforesaid, shall be
 20 borne and paid out of the moneys in the hands of the Conservators for the purposes of this Scheme.

33. Execution upon every judgment or decree against the Conservators in any such action or suit as aforesaid shall be levied on the goods, chattels, or personal effects belonging to the Conservators by virtue of their office, and
 25 shall not in any manner extend to charge or make liable the persons or private lands or goods of any of the Conservators, or the heirs, executors, or administrators of any of them.

34. The clauses of the Commissioners Clauses Act, 1847, with respect to contracts to be entered into and the deeds to be executed by commissioners,
 30 and with respect to giving notices and orders, proof of debts in bankruptcy or insolvency, and tender of amends* (as far as the same are applicable for the purposes of and not inconsistent with this Scheme), are hereby incorporated with this Scheme.

35. The Conservators may at any time apply for an amended or a new Scheme.

36. Saving always to all persons and bodies politic and corporate, and their respective heirs, successors, executors, and administrators, all such estates, interests, or rights of a profitable or beneficial nature in, over, or affecting Barnes Common, or any part thereof, as they or any of them had before the
 40 confirmation of this Scheme by Act of Parliament, or could or might have enjoyed if this Scheme had not been confirmed by Act of Parliament. Saving also to the Mortlake District Highway Board such rights, powers, and duties as they would have had if this Scheme had not been confirmed by Act of Parliament.

45 37. The lords of the manor of Barnes and the tenants of the manor claim rights in and over the common. This Scheme affects the rights over Barnes

* See sections 99 to 103.

A.D. 1876. Common so claimed as aforesaid only so far as is absolutely necessary for the purposes contemplated by this Scheme, inasmuch as the improvement of the common, and the prevention of nuisances thereon, and other purposes of a like nature, cannot be carried out without, in some small degree, interfering with such rights; but such interference will be beneficial to such rights, and the persons entitled thereto respectively, and no such rights are taken away or injuriously affected by this Scheme. The lords and tenants of the manor consent to their rights being affected in the manner and to the extent herein expressed, but subject and without prejudice to the right of the lord or lords for the time being of the manor to the gravel, mines, and minerals in and under the common, and to the right of the lord or lords of the manor to get, win, and work the same, which rights it is intended shall be exerciseable to the same extent and in the same manner to and in which they would have been exerciseable in case this Scheme had not been confirmed by Act of Parliament, and so that in the event of any part of the common being required by any railway company or any other public or private company or body for the purposes of their undertaking the lord or lords of the manor shall be entitled to receive the same amount of purchase money or compensation money for the same as he or they would have been entitled to claim or receive in case this Scheme had not been confirmed by Act of Parliament: Provided always, that this Scheme shall not in any way affect the rights of the lord or lords for the time being of the manor over that portion of the common situate on the west side of the road leading from Vine Cottage to the railway.

38. Printed copies of this Scheme shall at all times be sold at the office of the Conservators, to all persons desiring to buy the same, at a price not exceeding two shillings and sixpence each.

39. The costs, charges, and expenses preliminary to, and of and incidental to, the preparing, applying for, obtaining, and confirming of this Scheme by Act of Parliament may be paid by the Conservators out of any moneys coming to their hands under the provisions or for the purposes of this Scheme.

Metropolitan Commons (Barnes).

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B I L L

To confirm a Scheme under the Metropolitan Commons Act, 1866, and the Metropolitan Commons Amendment Act, 1869, relating to Barnes Common.

*(Prepared and brought in by
Sir Henry Selwin-Ibbetson and Mr. Secretary
Cross.)*

*Ordered, by The House of Commons, to be Printed,
1 June 1876.*

[Bill 181.]

Under 2 oz.

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B I L L

INTITULED

An Act to confirm a Scheme under the Metropolitan Commons Act, 1866, and the Metropolitan Commons Amendment Act, 1869, relating to Barnes Common. A.D. 1876.

WHEREAS the Inclosure Commissioners for England and Wales have, in pursuance of the Metropolitan Commons Act, 1866, and Metropolitan Commons Amendment Act, 1869, duly certified a Scheme for the establishment of local management with respect to Barnes Common, situate in the parish of Barnes, in the county of Surrey :

And whereas the said Scheme is set forth in full in the report which was made by the said Commissioners for the year ending the thirty-first day of December one thousand eight hundred and seventy-five, and was duly laid before both Houses of Parliament :

And whereas it is by the said Metropolitan Commons Act, 1866, provided that any such Scheme shall not of itself have any operation, but shall have full operation when and as confirmed by Act of Parliament, with such modifications, if any, as to Parliament seem fit :

And whereas it is expedient that the said Scheme relating to Barnes Common should be confirmed, subject to certain modifications :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The Scheme for the establishment of local management with respect to Barnes Common, situate in the parish of Barnes, in the county of Surrey, certified by the Inclosure Commissioners for England and Wales under their seal on the twenty-seventh day of May one thousand eight hundred and seventy-five, shall be modified so as to be in the terms specified in the schedule to this Act, and so modified shall be hereby confirmed.

Scheme as to Barnes Common confirmed with modifications.

2. This Act may be cited for all purposes as the Metropolitan Commons Supplemental Act, 1876. Short title.

[Bill 234.]

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A.D. 1876.

SCHEDULE.

THE METROPOLITAN COMMONS ACT, 1866, AND THE METROPOLITAN COMMONS AMENDMENT ACT, 1869.

SCHEME FOR THE ESTABLISHMENT OF LOCAL MANAGEMENT WITH RESPECT TO BARNES COMMON. 5

1. Barnes Common, in the county of Surrey (which shall for all the purposes of this Scheme be deemed to consist of the several tracts of waste land delineated in a plan deposited with the Inclosure Commissioners for England and Wales, and therein coloured green), shall henceforth for all the purposes of this Scheme be regulated and managed by a body of Conservators. 10

1A. The first Conservators shall be the following, namely :

One person to be nominated (if he or they think fit) by the lord or lords for the time being of the manor of Barnes, in writing, under the hand or seal of such lord or lords, and the following six persons ; that is to say,

Henry Browne Alexander, of "The Laurels," in the parish of Barnes, in the county of Surrey. 15

Woodthorpe Brandon,

Thomas Hardwick Merriman,

John Sampson Peirce,

Henry David Pochin, and

William Henry Ratcliff,

} all of Barnes, in the said county of Surrey. 20

1B. The first Conservator nominated as aforesaid by the lord or lords of the said manor shall hold office until his nomination is revoked or another appointed in his place. The said Henry Browne Alexander, Woodthorpe Brandon, Thomas Hardwick Merriman, John Sampson Peirce, Henry David Pochin, and William Henry Ratcliff, shall hold office until the first election of Conservators under this Scheme, as herein-after provided. 25

2. The Conservators, other than the first, shall consist of the following persons, namely : one person to be nominated (if he or they think fit) by the lord or lords for the time being of the manor of Barnes, in writing, under the hand or seal of such lord or lords, and six other persons to be triennially elected by the parish vestry of the parish of Barnes. 30

3. The first election of Conservators under this Scheme shall be made at the vestry next following the next Easter Day after the confirmation of this Scheme by Act of Parliament, and the succeeding elections of Conservators shall be held triennially at the vestry next following Easter Day, or as soon after as conveniently may be ; and the Conservators so respectively elected as aforesaid at each election shall hold office until the election of their successors, and no longer. 35

In the event of any delay occurring in any nomination of a Conservator by the lord or lords of the said manor, then the Conservators appointed by the said vestry may act and proceed as if such nomination had been made, and their acts shall be and be deemed valid and effectual.

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5 4. Any Conservator, after going out of office, resigning, or otherwise ceasing to be a Conservator, may be again elected a Conservator. In the event of any vacancy in the number of Conservators, by death, resignation, or otherwise, between the times fixed for election, as aforesaid, or if at any time there shall not be a full number of Conservators, the Conservators for the time being
10 shall continue to be as competent to act as if no such vacancy or deficiency in number had occurred: Provided that in the case of any such vacancy by death, resignation, or otherwise, if the same shall relate to a Conservator nominated as aforesaid, the lords of the manor of Barnes may nominate another Conservator in like manner; and if the said vacancy shall relate to
15 an elected Conservator, the vestry of the said parish of Barnes shall, as soon as conveniently may be, elect some proper person as a Conservator to supply such vacancy, but the person so elected shall retain his office so long only as the vacating Conservator would have retained the same if no such vacancy had occurred.

20 5. No bankrupt or insolvent or person who has compounded with his creditors shall be capable of being or continuing a Conservator.

6. No Conservator shall receive any remuneration, or hold any office of profit under this Scheme.

7. Any act of the Conservators shall not be invalidated or be illegal by
25 reason of there being any vacancy among the Conservators, or by reason of any irregularity in the appointment or election of any Conservator, or by reason of any person not qualified or ceasing to be qualified acting as a Conservator, or by reason of any failure or omission on any occasion to appoint or elect any Conservator, or by reason of any other irregularity, failure, or omission
30 in or about any appointment or election, or in or about any matter preliminary or incidental thereto.

8. The Conservators shall hold meetings for transacting business under this Scheme twice at least in every year, and at such other times as may be necessary for properly executing their powers and duties under this Scheme,
35 and shall from time to time make regulations with respect to the summoning, notice, place, management, and adjournment of such meetings, and generally with respect to the transaction and management of business by such Conservators under this Scheme: Provided always, that no business shall be transacted at any such meeting unless three Conservators at least are present thereat,
40 and all questions shall be decided by a majority of votes, and the names of the members present shall be recorded, and the said Conservators shall annually appoint one of their number to be chairman for one year at all meetings at which he is present; and in case the chairman so appointed be absent from any meeting at the time appointed for holding the same, the
45 Conservators present shall appoint one of their number to act as chairman thereat, and in case the chairman appointed as first aforesaid shall die, resign, or become incapable of acting, another Conservator shall be appointed to be

A.D. 1876. chairman for the period during which the person so dying, resigning, or becoming incapable would have been entitled to continue in office; and the chairman at any meeting shall have a second or casting vote in case of an equality of votes.

9. The Conservators shall from time to time provide and maintain such offices as may be necessary for transacting their business, and that of their officers and servants, under this Scheme, and shall cause to be made a seal for the use of the said Conservators under this Scheme, and documents or copies of documents purporting to proceed from the said Conservators, and to be signed by any three or more Conservators, or to be sealed or stamped with such seal, shall be received as *prima facie* evidence in all courts and places whatsoever.

10. The Conservators shall cause entries of all the proceedings of the Conservators, and of every committee appointed by them, with the names of the Conservators who shall attend each meeting, to be duly made from time to time in books to be provided for the purpose, which shall be kept by the clerk under the superintendence of the Conservators; and every such entry shall be signed by the chairman of the meeting at which the proceedings took place, and such entry so signed shall be received as evidence in all courts and before all judges, justices, and others, without proof of such meeting having been duly convened or held, or of the persons attending such meeting having been or being Conservators or members of committees respectively, or of the signature of the chairman, or of the fact of his having been chairman, all of which last-mentioned matters shall be presumed until the contrary is proved; and such books shall at all reasonable times be open to the inspection of any of the Conservators, and of any mortgagee of the property of the Conservators.

11. The Conservators may from time to time appoint a fit and proper person, or fit and proper persons, to be their clerk and treasurer, and shall appoint or employ such common-keepers, collectors, and other officers and servants as may be necessary and proper for the preservation of order on and the enforcement of byelaws with respect to Barnes Common, and otherwise for the purposes of this Scheme, and may make rules for regulating the duties and conduct of the several officers and servants so appointed and employed (altering such rules as occasion may require); and the Conservators may pay, out of the moneys to be received under this Scheme, to such officers and servants such reasonable wages, salaries, or allowance as they may think proper, and every such officer and servant shall be removable by the Conservators at their pleasure.

12. The Conservators may execute any works of drainage, raising, levelling, or fencing, and for the improvement of the common, so far only as may be required for the purposes of the Metropolitan Commons Act, 1866, and the Metropolitan Commons Amendment Act, 1869, and may do any work necessary for the proper cleansing of the pond on Barnes Green, and so much of the Beverley Brook as adjoins Barnes Common, and shall preserve the turf, shrubs, trees, plants, and grass, and for this purpose may enclose by fences, for short periods, such portions as may require rest to revive the same, and may plant for shelter or ornament, or otherwise make more pleasant as a place of exercise

and recreation, the common, but shall do nothing that shall otherwise vary or alter the natural features or aspect of the said common. A.D. 1876.

13. The Conservators shall maintain the common, as delineated in the plan deposited with the Inclosure Commissioners, free of all encroachment, and shall
5 permit no trespass on, or partial or other enclosure of any part thereof, and no fences, posts, rails, or other matters or things shall be maintained, fixed, or erected thereon without the consent in writing of the Conservators.

14. The Conservators shall frame byelaws and regulations for all or any of the following purposes, namely :

10 For the prevention of nuisances and the preservation of order on the common :

For the exclusion and removal therefrom of gipsies, hawkers, beggars, rogues, and vagabonds :

15 For the prevention of bird-catching, bird-trapping, taking of birds eggs or nests, and shooting or chasing of game or other animals thereon :

For the prevention of unauthorised persons from turning out or knowingly permitting cattle, sheep, or other animals to graze or feed or remain thereon :

For the prevention of pound breach :

20 For the prevention of the illegal digging or taking thereon or therefrom of turf, sods, bog-earth, gravel, clay, or other substances :

For the prevention of the illegal cutting, felling, or injuring thereon of gorse, heather, timber, or other trees, shrubs, brushwood, or other plants :

25 For the prevention of injury to or the defacing or removing of seats, fences, or barriers, or notice boards, or other things put up by the Conservators thereon :

For the prevention of injury to or disfigurement of fences or trees thereon, or abutting thereon, by the posting of bills, placards, or notices :

30 For the prevention of the placing thereon of any rubbish, manure, or other substance :

For the prevention or regulation of assemblages of persons thereon, and of sports and games played thereon :

For the prevention of unauthorised persons from passing over the common, or any specified part thereof, with vehicles :

35 Generally, for the prevention or restraint of any act or thing tending to the injury or disfigurement of the common, or to interference with the use thereof by the public for purposes of exercise and recreation :

Provided that all such byelaws made by the Conservators shall be in writing, under their seal, or the signature of any three or more of their number ; and

40 the said Conservators may by any such byelaws impose upon offenders against the same such reasonable penalties, to be recovered on summary conviction, as they shall think fit, not exceeding the sum of five pounds for each offence ; and in the case of a continuing offence a further penalty, not exceeding the sum of forty shillings for each day after written notice of the offence ; and

45 the said Conservators may alter or repeal any such byelaws by other byelaws, sealed or signed as last aforesaid, and may make such other byelaws as they may from time to time think fit : Provided always, that all byelaws imposing

A.D. 1876. any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty: Provided always, that no such byelaws shall be repugnant to the laws of England or the provisions of this Scheme, and no such byelaws shall be of any force or effect unless and until the same be allowed by Her Majesty's First Commissioner of Works for the time being, 5 who is hereby empowered to allow or disallow the same as he may think proper; provided that any certificate of allowance purporting to be signed by the First Commissioner of Works for the time being shall be *prima facie* evidence of such allowance in all courts and places whatsoever: Provided also, that no such byelaws shall be allowed unless notice of intention to 10 apply for allowance thereof shall have been given on the church door of the parish and in one or more of the London daily morning newspapers one calendar month at least before the making of such application, and for one calendar month at least before any such application a copy of the proposed byelaws shall be kept at the office of the Conservators, and be open during 15 office hours thereat to the inspection of the ratepayers of the said parish of Barnes, and other persons interested, without fee or reward, and the common-keeper shall furnish every such person applying for the same with a copy thereof, or of any part thereof, on payment of sixpence for every one hundred words contained in such copy. 20

15. The Conservators may set apart any portion or portions of the common as they may consider expedient for cricket or other games, and may form any cricket ground or grounds, and may temporarily inclose the same with post and chain, or other open fence, so as to prevent cattle straying thereon.

16. All byelaws made by the Conservators in pursuance of this Scheme 25 shall be printed, and shall be sold to any person who may apply for the same at such price, not exceeding one shilling per copy, as the Conservators may determine; and all such byelaws shall be legibly written or printed at length on boards of suitable size, and placed on such parts of the common (not less than three) as to the Conservators may appear desirable. 30

17. The Conservators shall be at liberty to receive and apply for the purposes of this Scheme, or any of them, any subscriptions or donations applicable thereto, and any contributions that may come to their hands.

18. The Conservators shall cause books to be provided and kept, and true and regular accounts to be entered therein of all sums of money received and 35 paid for and on account of this Scheme, and of the several purposes for which such sums of money shall have been received and paid, which books shall at all reasonable times be open to the inspection of any of the Conservators and the mortgagee, assignee in security, or other creditor of the Conservators, and any copyholder of the manor or ratepayer of the parish, without fee or reward, 40 and the Conservators and persons aforesaid, or any of them, may take copies of or extracts from the said books without paying anything for the same, and any clerk or other person having the custody of the said books who shall not on any reasonable demand of any Conservator, mortgagee, creditor, copyholder, or ratepayer, as aforesaid, permit him to inspect the said books, or to take 45 such copies or extracts as aforesaid, shall be liable to a penalty of five pounds for every such offence.

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19. The Conservators shall cause their accounts to be balanced in each year to the first Wednesday in March, or to some other day to be fixed by them by byelaw from time to time.

20. A permanent auditor of the said accounts, not being a Conservator, shall be from time to time appointed by the chairman of quarter sessions for the county of Surrey, who shall fix his remuneration.

21. The said auditor shall attend within one month after the said day to which the accounts have been balanced at the office of the Conservators, or at some other convenient place to be appointed by the Conservators, and from time to time shall, in the presence of the clerk of the Conservators, if he desire to be present, proceed to audit the accounts of the Conservators for the year preceding such day, and the said Conservators shall, by their clerk or otherwise, produce and lay before such auditor the Conservators accounts, accompanied with proper vouchers in support of the same, and all books, papers, and writings in their custody or power relating thereto, and any person interested in the said account, either as a creditor of the Conservators or otherwise, may be present at the audit of the said accounts by himself or his agent, and may make any objection to any part of such account; and if the said accounts be found correct, such auditor shall sign the same in token of his allowance thereof, but if such auditor thinks there is just cause to disapprove of any part of the said accounts, he or any other person interested in the said accounts as aforesaid may appeal against any such parts of the said accounts as shall be so disapproved of to one of the two next quarter sessions for the county of Surrey, notice in writing of such appeal being given to the clerk of the Conservators fourteen days at the least before the hearing of such appeal.

22. Upon the hearing of such appeal the justices may make such order as they think fit respecting the payment of the costs of the appellant out of the moneys coming to the hands of the Conservators, or otherwise as they think fit, and such order shall be final.

23. If any person assaults or resists, or aids or incites any person to assault or resist, any constable or officer of the Conservators, or other person in the exercise of his duty, or the lawful execution of any authority under this Scheme, or under any byelaw of the Conservators, he shall for every such offence be liable on summary conviction to a penalty not exceeding five pounds, without prejudice to any other proceeding or remedy against him.

24. Any constable or any officer of the Conservators, and all persons called by such constable or officer to his assistance, may, without any other warrant than this Scheme, seize and detain any person offending or having offended against any byelaw of the Conservators who shall fail to satisfy such constable or officer as to his true name or address, and such constable or officer shall convey him, with all convenient despatch, before a justice, to be dealt with according to law.

25. Sections one hundred and five, one hundred and six, and one hundred and eight of the Commissioners Clauses Act, 1847 (so far as the same are applicable for the purposes of and not inconsistent with this Scheme), are hereby incorporated with this Scheme.

26. Proceedings with a view to the summary conviction of offenders under this Scheme, or under any byelaws of the Conservators, or to the recovery of

A.D. 1876. — any money or expenses authorised to be recovered summarily, or to any other order to be made by justices under this Scheme, or any such byelaws, shall be taken according to the provisions of the Act of the session of the eleventh and twelfth years of Her Majesty's reign (chapter forty-three), to facilitate the performance of the duties of justices of the peace out of sessions within Eng- 5 land and Wales with respect to summary convictions and orders, and section one hundred and ten of the Act of the session of the twenty-fourth and twenty-fifth years of Her Majesty's reign (chapter ninety-six), to consolidate and amend the statute law of England and Ireland relating to larceny and other similar offences, shall authorise and apply to appeals in respect of such 10 summary convictions and orders.

27. A person shall not be disabled from acting as a justice or otherwise in any matter arising under or in relation to this Scheme by reason of his being an elector under this Scheme.

28. When under this Scheme, or any byelaw of the Conservators, any 15 pecuniary penalty, expenses, or costs, or other money is or are recovered by the Conservators, the same shall, notwithstanding anything in any other Act, be paid to the Conservators, and shall be applied by them for the purposes of this Scheme.

29. The statute passed in the fifty-eighth year of His late Majesty King 20 George the Third (chapter sixty-nine), intituled "An Act for the regulation of Parish Vestries," and the Acts amending the same, and any other Act or Acts of Parliament which may for the time being be in force for the regulation of parish vestries, shall, with respect to the manner of voting and otherwise, as far as circumstances may require or admit, be deemed to extend and apply to 25 the said parish vestry of Barnes, acting in execution of the powers vested in them under this Scheme, and any election made or thing done or sanctioned by a majority of votes taken in manner directed by the same Act or Acts of Parliament shall be deemed to have been made, done, or sanctioned by the said vestry. 30

30. No proceeding to be had touching the conviction of any offender under this Scheme, nor any order or other matter or thing whatsoever made, done, or transacted in or relating to the execution of this Scheme, shall be vacated, quashed, or set aside for want of form.

31. The Conservators may sue and be sued in the name of their clerk for 35 the time being for or concerning any nuisance upon Barnes Common, or for or concerning any contract, matter, or thing relating to any property vested or to become vested in them under this Scheme, and otherwise for or concerning any matter or thing whatsoever relating to the execution of their powers and authorities under this Scheme; and their said clerk shall be deemed to have a 40 sufficient possession of the said common to enable the said Conservators to maintain, in the name of their clerk, an action for trespass with regard thereto; and in all proceedings by or on the part of the said Conservators against any person for stealing, or wilfully injuring or otherwise improperly dealing 45 with any property, works, or things belonging to them or under their management, it shall be sufficient to state generally that the property or thing in respect of which the proceeding is instituted is the property of the said clerk.

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And all legal proceedings by or on the part of or against the said Conservators under this Scheme may be preferred, instituted, and carried on in his name, and no proceedings whatever shall abate or be discontinued by the death, resignation, or removal of the clerk, or by reason of any change or vacancy among the said Conservators by death, resignation, or otherwise: Provided always, that the clerk in whose name such action or suit, complaint, information, or proceeding may be brought, preferred, instituted, or defended as aforesaid, shall be fully reimbursed out of the moneys in the hands of the Conservators for the purposes of this Scheme, all such costs, charges, damages, and expenses as he shall or may be or become liable to pay, sustain, or be put unto by reason of his name being so used.

32. No matter or thing done or contract entered into by the Conservators, or any of them, nor any matter or thing done by any clerk, common-keeper, or other officer or person whomsoever acting under the direction of the Conservators, shall, if the matter or thing were done or the contract entered into bonâ fide for the purpose of executing this Scheme, subject them or any of them personally to any action, liability, claim, or demand whatsoever, and any expense incurred by the Conservators, or any of them, or any such clerk or common-keeper, or other officer or person acting as last aforesaid, shall be borne and paid out of the moneys in the hands of the Conservators for the purposes of this Scheme.

33. Execution upon every judgment or decree against the Conservators in any such action or suit as aforesaid shall be levied on the goods, chattels, or personal effects belonging to the Conservators by virtue of their office, and shall not in any manner extend to charge or make liable the persons or private lands or goods of any of the Conservators, or the heirs, executors, or administrators of any of them.

34. The clauses of the Commissioners Clauses Act, 1847, with respect to contracts to be entered into and the deeds to be executed by commissioners, and with respect to giving notices and orders, proof of debts in bankruptcy or insolvency, and tender of amends* (as far as the same are applicable for the purposes of and not inconsistent with this Scheme), are hereby incorporated with this Scheme.

35. The Conservators may at any time apply for an amended or a new Scheme.

36. Saving always to all persons and bodies politic and corporate, and their respective heirs, successors, executors, and administrators, all such estates, interests, or rights of a profitable or beneficial nature in, over, or affecting Barnes Common, or any part thereof, as they or any of them had before the confirmation of this Scheme by Act of Parliament, or could or might have enjoyed if this Scheme had not been confirmed by Act of Parliament. Saving also to the Mortlake District Highway Board such rights, powers, and duties as they would have had if this Scheme had not been confirmed by Act of Parliament.

37. The lords of the manor of Barnes and the tenants of the manor claim rights in and over the common. This Scheme affects the rights over Barnes

* See sections 99 to 103.

A.D. 1876. Common so claimed as aforesaid only so far as is absolutely necessary for the purposes contemplated by this Scheme, inasmuch as the improvement of the common, and the prevention of nuisances thereon, and other purposes of a like nature, cannot be carried out without, in some small degree, interfering with such rights; but such interference will be beneficial to such rights, and the persons entitled thereto respectively, and no such rights are taken away or injuriously affected by this Scheme. The lords and tenants of the manor consent to their rights being affected in the manner and to the extent herein expressed, but subject and without prejudice to the right of the lord or lords for the time being of the manor to the gravel, mines, and minerals in and under the common, and to the right of the lord or lords of the manor to get, win, and work the same, which rights it is intended shall be exerciseable to the same extent and in the same manner to and in which they would have been exerciseable in case this Scheme had not been confirmed by Act of Parliament, and so that in the event of any part of the common being required by any railway company or any other public or private company or body for the purposes of their undertaking the lord or lords of the manor shall be entitled to receive the same amount of purchase money or compensation money for the same as he or they would have been entitled to claim or receive in case this Scheme had not been confirmed by Act of Parliament: Provided always, that this Scheme shall not in any way affect the rights of the lord or lords for the time being of the manor over that portion of the common situate on the west side of the road leading from Vine Cottage to the railway.

38. Printed copies of this Scheme shall at all times be sold at the office of the Conservators, to all persons desiring to buy the same, at a price not exceeding two shillings and sixpence each.

39. The costs, charges, and expenses preliminary to, and of and incidental to, the preparing, applying for, obtaining, and confirming of this Scheme by Act of Parliament may be paid by the Conservators out of any moneys coming to their hands under the provisions or for the purposes of this Scheme.

Metropolitan Commons
(Barnes). [H.L.]

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INTITULIED

An Act to confirm a Scheme under the
Metropolitan Commons Act, 1866,
and the Metropolitan Commons
Amendment Act, 1869, relating to
Barnes Common.

(Brought from the Lords 6 July 1876.)

Ordered, by The House of Commons, to be Printed,
6 July 1876.

[Bill 234.]

Under 2 oz.

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B I L L

FOR

Appointing Commissioners to inquire respecting Monastic and Conventual Institutions in Great Britain, and for other purposes connected therewith. A.D. 1876.

WHEREAS it is expedient that inquiry be made, under the authority of Parliament, respecting the increase and character of monastic and conventual institutions in Great Britain, and respecting their property and income, and matters connected therewith :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

10 1. This Act may be cited as The Monastic and Conventual Institutions Act, 1875. Short title.

2. Seven persons, appointed as in this Act provided, shall be Commissioners to inquire— Objects of inquiry.

15 (a.) Into the numbers, at the passing of this Act and from time to time since the beginning of the present century, and the respective situations and character, of monastic and conventual institutions in Great Britain, whether having, wholly or in part, educational objects or not :

20 (b.) Into the property or income held by or for those institutions, and the conditions on which the same is held ; and whether the mode of acquisition and the holding thereof, or the purposes for which the same is held, are in contravention of the principle of the law against superstitious uses, or of the law of mortmain, or of the law relating to charities :

25 (c.) What regulations are needed with respect to convents in Great Britain.

3. The Commissioners shall be appointed as follows (namely) ; one by the Lord Chancellor of Great Britain, one by the Speaker Appointment of Commissioners.
[Bill 24.]

A.D. 1876.

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of the House of Commons, one by the Lord Chief Justice of England, two by the Roman Catholic Poor Schools Committee, one by the Charity Commissioners for England and Wales, and one by Commissioners in Lunacy.

Any vacancy caused by death, resignation, or otherwise in the office of Commissioner shall be filled by the appointment of another person to be a Commissioner by the authority by whom the vacating Commissioner was appointed.

Each appointment of a Commissioner shall be certified in writing by the authority appointing, in the first instance to the Lord Chancellor, and afterwards to the Secretary of the Commissioners.

The Commissioners for the time being are in this Act referred to as the Commissioners.

The powers of this Act may be exercised by any or more of the Commissioners, and notwithstanding any vacancy in their number.

Authority of
Commis-
sioners.

4. The Commissioners shall have, for the purposes of this Act, all such powers, rights, and privileges as are vested in any of Her Majesty's superior courts in England, or in any judge thereof, or in the Court of Session in Scotland or in any judge thereof, on the occasion of any action, suit, or proceeding, in respect of the following matters

(a.) The enforcing the attendance of witnesses, and examining them on oath, affirmation, or otherwise :

(b.) The compelling the production of documents : 25

(c.) The punishing persons guilty of contempt.

For those purposes a summons of the Commissioners shall be equivalent to any form of process issueable in an action, suit, or proceeding in that respective court ; and proceedings before the Commissioners shall be deemed judicial proceedings. 30

All constables and other peace officers, and keepers of prisons, and other public officers, shall obey and execute the orders and warrants of the Commissioners, and assist the Commissioners in the execution of their office.

The Commissioners individually shall have the like protection and privileges as justices of the peace acting in execution of their office. 35

Evidence not
to be avail-
able else-
where.

5. Evidence taken under this Act shall not be admissible as evidence in any other proceeding whatever.

Power for
superior
court, &c.
to discharge

6. Any of Her Majesty's superior courts of law in England, or in vacation a judge thereof, or the Court of Session in Scotland, or in vacation a judge thereof, may, in the discretion of the court or 40

judge, on application in a summary way, discharge, vary, or suspend, on terms or otherwise, any order or warrant of the Commissioners.

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orders of
Commis-
sioners, &c.
Reports to
Secretary of
State and
cesser of
Commission.

7. The Commissioners shall from time to time make a report to
5 one of Her Majesty's Principal Secretaries of State, and shall
make their final report to him within *three* years after the passing
of this Act; and at the end of those *three* years the duties of the
Commissioners shall cease, but without prejudice to the operation
10 of any order or warrant made or thing done by them within those
three years, or to the protection by this Act given to them or to any
other person; and every such order, warrant, and thing, and all
such protection as aforesaid, shall continue in force and subsisting
as if the duties of the Commissioners had not ceased.

Every report of the Commissioners shall be laid before both
15 Houses of Parliament; and no person shall be liable in any pro-
ceeding by reason of his publishing the same or any part thereof,
or of his publishing a fair account of any evidence taken under
this Act.

8. *The reasonable expenses, as allowed by the Commissioners, of* Expenses.
20 *persons giving evidence before the Commissioners, and the remunera-
tion of the secretary, assistant commissioners, clerks, and other
officers, from time to time appointed by the Commissioners and the
other expenses of the Commissioners, shall be paid out of money
provided by Parliament.*

Monastic and Conventual Institutions.

A

B I L L

For appointing Commissioners to inquire
respecting Monastic and Conventual
Institutions in Great Britain, and for
other purposes connected therewith.

(*Prepared and brought in by*
Mr. Newdegate, Mr. Holt, and
Sir Thomas Chambers.)

Ordered, by The House of Commons, to be Printed,
9 February 1876.

[Bill 24.]

Under 1 oz.

A

B I L L

TO

Amend the Law relating to the application of Funds of A.D. 1876.
Municipal Corporations and other Governing Bodies in
certain cases.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 1. The following proviso in section four of the Act of the session of the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter ninety-one, intituled "An Act to authorise the
" application of Funds of Municipal Corporations and other
" Governing Bodies in certain cases," namely, "Provided further,
10 " that no expense in promoting or opposing any Bill in Parliament
" shall be charged as aforesaid unless such promotion or opposition
" shall have had the consent of the owners and ratepayers of that
" district, to be expressed by resolution in the manner provided in
" the Local Government Act, 1858, for the adoption of that Act,"
15 is hereby repealed.

Repeal of
proviso in
section 4. of
35 & 36 Vict.
c. 91.

**Municipal Corporations,
&c. (Funds).**

A

B I L L

To amend the Law relating to the application of Funds of Municipal Corporations and other Governing Bodies in certain cases.

*(Prepared and brought in by
Sir Sidney Waterlow, Mr. Mundella, Mr. Torr,
Mr. Leeman, and Mr. Birtley.)*

*Ordered, by The House of Commons, to be Printed,
10 March 1876.*

[Bill 101.]
Under 1 oz.

Municipal Franchise (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Interpretation.
 2. Repeal of existing franchise in Dublin.
 3. Repeal of former qualifications of burgesses.
 4. New qualification.
 5. Taxes to be paid.
 6. Aliens not to be burgesses.
 7. Nor persons receiving parochial relief.
 8. Saving of existing burgess rolls.
 9. Lists to be made out and revised with regard to this Act.
 10. Occupier claiming to be rated to be placed on burgess roll.
 11. Misnomer or misdescription not to affect qualification.
 12. Provision as to premises coming by descent.
 13. Provision as to joint occupiers.
 14. Act not generally to alter existing law.
 15. Short title of Act.
-

A
B I L L

TO

Amend the law relating to the Municipal Franchise in A.D. 1876.
Ireland.

WHEREAS by an Act of Parliament passed in the sixth year of His late Majesty King William the Fourth, intituled “An Act to provide for the regulation of Municipal Corporations in England and Wales,” it was, among other things, enacted that, subject to the provisions therein contained, the qualification of burgesses in municipal corporations in England and Wales in any year was declared and defined to be the occupation of premises rated to the relief of the poor during the said year and the whole of the two preceding years :

10 And whereas by another Act of Parliament passed in the fourth year of the reign of Her Majesty the now Queen, intituled “An Act for the Regulation of Municipal Corporations in Ireland,” it was, among other things, enacted that the persons to be burgesses in municipal corporations in Ireland should be qualified as in said Act mentioned :

And whereas the qualification prescribed by said last-mentioned Act is other than and different from that then by law prescribed in municipal corporations in England and Wales :

20 And whereas by another Act passed in the thirteenth year of Her Majesty’s reign, intituled “An Act to amend an Act for the regulation of Municipal Corporations in Ireland, so far as relates to the borough of Dublin,” the qualification of burgesses in the city of Dublin was altered from that prescribed by the said second-recited Act, and the qualification of burgesses in said city of Dublin was assimilated to that then required for burgesses in municipal corporations in England and Wales :

And whereas by another Act passed in the thirty-third year of Her Majesty’s reign, intituled “An Act to shorten the term of residence required as a qualification for the municipal franchise,

[Bill 7.]

A 2

A.D. 1876.

“ and to make provision for other purposes,” it was, among other things, enacted that the period of residence and rating required for such qualification in municipal corporations in England and Wales should be reduced from three years to one; but the provisions of the said last-mentioned Act have not yet been extended to the city of Dublin, and in all the other municipal corporations of Ireland the municipal franchise still continues as fixed by the said second-recited Act of the fourth year of Her Majesty’s reign :

And whereas it is expedient and just to establish both in the city of Dublin and in all other Irish municipalities the municipal franchise as same as is now established in England under the said fourth-recited Act of the thirty-third year of Her Majesty’s reign, so as to establish in respect of the municipal franchise equality of law between England and Ireland :

Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Interpreta-
tion.

1. The word “borough” in this Act shall mean any city, town, or borough, including the city of Dublin, in which a municipal corporation now exists, or shall hereafter exist, pursuant to the provisions of the said first-recited Act; and “mayor” as to the city of Dublin shall mean “lord mayor.”

Repeal of
existing
franchise in
Dublin.

2. The provisions of the said third-recited Act of the thirteenth year of Her Majesty’s reign, so far as they require as a qualification for a burgess of the city of Dublin that the person to be enrolled as a burgess should have occupied or been rated for the premises in respect of which he is qualified during the two whole years preceding that in which he is enrolled as a burgess, shall be and the same are hereby repealed; and the qualification of a burgess in the city of Dublin shall be that prescribed by this Act, but in all other respects, except as relate to such qualification, said Act shall continue in full force and effect.

Repeal of
former quali-
fications of
burgesses.

3. From and after the passing of this Act so much of the said second-recited Act as requires that the premises in respect of the occupation of which any person shall be qualified as a burgess in any borough shall be of the yearly value of not less than ten pounds, to be ascertained and determined in manner in said Act mentioned, shall be and the same is hereby repealed.

New quali-
fication.

4. In lieu and stead of the qualification required by the said Acts the following shall be the qualification of burgesses in the city of Dublin and in every other borough in Ireland; that is to say, at

any revision of the burgess roll of any borough which shall take place after the passing of this Act, subject as herein-after mentioned: A.D. 1876.

Every person of full age who on the last day of the preceding August shall have occupied any house, warehouse, counting-house, shop, or other building within such borough during the whole of the preceding twelve calendar months, and also during the time of such occupation shall have been an inhabitant householder within the said borough, or within seven statute miles of the said borough, shall be entitled to be enrolled in accordance with the provisions of the statutes in that case made and provided, and on being so enrolled shall be a burgess of such borough, and member of the body corporate of the mayor, aldermen, and burgesses of such borough: Provided always, that no such person shall be so enrolled in any year unless he shall have been rated in respect of such premises so occupied by him within the said borough to all rates made for the relief of the poor of the electoral division or union wherein such premises are situated during the time of his occupation as aforesaid: Provided also, that in every case provided in this Act the distance of seven statute miles shall be computed by the nearest public road or way by land or water.

Provided also, that the premises in respect of the occupation of which any person shall have been so rated need not be the same premises or in the same parish or electoral division or union, but may be different premises in the same parish or in different parishes or different electoral divisions or unions.

5. No person shall be entitled to be so enrolled as a burgess unless on or before the said last day of August he shall have paid all rates and taxes, the payment of which would be necessary by law to entitle him to be placed on the burgess roll if this Act had not been passed, provided only that it shall not be necessary for him to have paid any such taxes as shall have become payable within six calendar months before the said last day of August. Taxes to be paid.

6. No person being an alien shall be entitled to be enrolled as a burgess, or to vote as a burgess in any borough. Aliens not to be burgesses.

7. No person shall be so enrolled or vote in any year who, within twelve calendar months next before the said last day of August, shall have received relief under the Acts for the more effectual relief of the destitute poor in Ireland, or any pension or charitable allowance from any fund entrusted to the charitable trustees of such borough. Nor persons receiving parochial relief.

A.D. 1876.

Provided always, that no medical or surgical assistance given by the charitable trustees of the said borough shall be taken to be such charitable allowance as shall disqualify any person from being enrolled a burgess; nor shall any person be so disqualified by reason that any child of such person shall have been admitted and taught within any public or endowed school. 5

Saving of existing burgess rolls.

8. Nothing in this Act contained shall affect or interfere with any existing burgess roll, but same shall continue in force and effect in all respects as it would have done if this Act had not been passed.

Lists to be made out and revised with regard to this Act.

9. Except as relates to the qualification of a burgess this Act shall not in any manner affect the making out of any lists now required by law to be made out by any persons preparatory to the revision of the burgess roll of any borough, but all the provisions of any statute relating to such lists and the making out of same shall continue in full force and effect as if this Act had not been passed, except that all persons making out such lists, or doing any act in relation to the same, shall have, and they are hereby required to have, regard to the new qualifications enacted by this Act, as if such qualifications had been prescribed in the Acts under which such lists are made out. 10 15 20

Occupier claiming to be rated to be placed on burgess roll.

10. Any person occupying any premises in any borough the occupation of which would entitle him to be placed upon the burgess roll if he were rated in respect of same, shall be entitled to be so placed on the burgess roll on proving that he has claimed to be rated in manner provided by the said second-recited Act of the fourth year of Her Majesty's reign, and complied with the requirements of the said Act and of all other Acts in that case made and provided, and all the provisions now in force relating to such claim and the consequences thereof shall continue in full force and effect, and be applicable to the franchise and qualification enacted by this Act. 25 30

Misnomer or misdescription not to affect qualification.

11. And in order to provide against any person being prevented from being enrolled as a burgess by reason of any misnomer or inaccurate or insufficient description in a rate of the person occupying any such premises as herein-before mentioned, or by reason of any inaccurate description of the premises so occupied, be it therefore declared and enacted, that where any person shall have occupied such premises as in this Act are mentioned for the time herein-before mentioned next previous to the last day of August in any year, being the person liable to be rated for such premises, shall have been bonâ fide called upon in respect to such premises to pay, and shall have bonâ fide paid on or before the last day of August in such year, all rates for the relief of the poor made in respect of 35 40

such premises which he would be required to pay in order to be enrolled as a burgess for the borough if he had been named in such rate as the occupier of such premises, such person shall be considered as having been rated to the relief of the poor and paid all
 5 such rates in respect of such premises within the meaning of the said recited Act and this Act, and be entitled, if otherwise qualified, to be enrolled as a burgess of the said borough in respect of such premises in any year, any misnomer or insufficient description in any rate of the person so occupying, or of the premises occupied,
 10 notwithstanding.

A.D. 1876.

12. And be it enacted, that where any house, warehouse, counting-house, shop, or other building in the said borough shall come to any person by descent, marriage, marriage settlement, devise, or promotion to any benefice or office, such person shall be entitled
 15 to reckon the occupancy and rating in respect of the occupancy thereof by the person from or by whom such house, warehouse, counting-house, shop, or other building shall have so come to him as his own occupancy and rating conjointly with the time during which he shall have since occupied and been rated for the same,
 20 and shall be entitled to be enrolled a burgess in respect of such successive occupancy and rating, provided he shall be otherwise qualified as herein provided.

Provision as to premises coming by descent.

13. Whereas it is provided by the said second-recited Act that where any premises in any borough should be jointly
 25 occupied by more persons than one as owners or tenants, each of such joint occupiers should, subject to the conditions of the said Act, be entitled to be enrolled as a burgess for such borough in respect of the premises so jointly occupied, provided that the value of such premises, to be ascertained and determined as in said Act
 30 provided, should be of an amount which when divided by the number of such occupiers shall give for each occupier a sum not less than the sum which would entitle each person to be enrolled or to vote according to the provisions of such Act, if he occupied separately, but not otherwise; be it enacted, that such provision
 35 shall be and the same is hereby repealed, and for the purposes of this Act every person occupying any premises in any borough jointly with any other person shall be deemed to occupy such premises within the meaning of this Act.

Provision as to joint occupiers.

14. Nothing in this Act contained shall alter or in any manner
 40 affect the provisions of any statute which at the time of its passing may be in force in any borough in anywise relating to the municipal corporation of such borough, or the enrolment of burgesses, or the

Act not generally to alter existing law.

A.D. 1876. — making out of any list, or any other matter or thing whatsoever, except so far as such provisions are hereby expressly repealed or are inconsistent with the provisions enacted by this Act.

Short title of Act. **15.** This Act may be cited on all occasions and for all intents and purposes as “The Municipal Franchise (Ireland) Act, 1875.” 5

**Municipal Franchise
(Ireland).**

A

B I L L

To amend the law relating to the Municipal Franchise in Ireland.

*(Prepared and brought in by
Major O'Gorman, Mr. Butt, Mr. Richard Power,
and Sir Colman O'Loghlin.)*

*Ordered, by The House of Commons, to be Printed,
9 February 1876.*

[Bill 7.]

Under 1 oz.

A

B I L L

TO

Enable the mayor, aldermen, and burgesses of municipal boroughs in England and Wales to grant Superannuation Allowances to their officers, clerks, and servants. A.D. 1876.

WHEREAS it is expedient that provision be made to enable superannuation allowances to be granted by the mayor, aldermen, and burgesses of municipal boroughs in England and Wales to their officers, clerks, and servants, who shall become disabled by
 5 infirmity or age to discharge their duties :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; (that is to say,)

- 10 1. The following provisions shall be enacted with reference to the grant by municipal corporations in England and Wales of superannuation allowances and gratuities to their officers, clerks, and servants, viz. :—
- 15 (1.) A municipal corporation may, if they think fit, with the approval of one of Her Majesty's Principal Secretaries of State, grant to any officer, clerk, or other person in their service, for whom provision shall not otherwise have been made by Act of Parliament, and who shall have been appointed by and shall have continuously served them in
- 20 an established capacity for a period of not less than *ten* years, and whose whole time has been devoted to their service during the period of service and who shall become incapable of discharging the duties of his office or service, by reason of permanent infirmity of mind or body, or of
- 25 old age, such an annual allowance as they shall think proper, not exceeding the scale of allowance herein-after contained, nor in any case *two thirds* of the annual salary and emoluments received by him on the average of the

Grant of superannuation allowances to servants of municipal corporations in England and Wales.

[Bill 2.]

A.D. 1876.

three years next preceding the date of his resignation or ceasing to hold his office; and such allowance shall be a charge upon the fund or funds to which such salary would have been charged if he had continued in his office.

- (2.) The allowance to be granted to such officers, clerks, and servants shall be as follows :

To any person who shall have continuously served *ten* years and under *eleven* years, an allowance of *ten sixtieths* of the salary and emoluments of his office on the average of the *three* years next preceding the grant of the allowance, and in like manner an addition of *one sixtieth* in respect of each additional year of such service until the completion of a period of service of *forty* years, when the annual allowance of *forty sixtieths* may be granted, and no addition shall be made in respect of any service beyond *forty* years; but in computing the time of an officer's, clerk's, or servant's service, any period during which he shall have been in the service of any public body to the functions of which any municipal corporation may have succeeded, or of the municipal corporation granting the allowance prior to the passing of this Act, shall be included.

Continuous service in successive offices of different kinds to which this Act applies shall have the same effect as continuous service in one office.

- (3.) No officer, clerk, or servant shall be entitled to any allowance on the ground of old age who shall not have completed the full age of *sixty-five* years :
- (4.) It shall not be lawful to grant any superannuation allowance under the provisions of this Act to any person who shall be under the age of *sixty-five* years, unless upon medical certificate to the satisfaction of the corporation that he is incapable, from infirmity of mind or body, of discharging the duties of his office or service, and that such infirmity is likely to be permanent :
- (5.) A superannuation allowance shall be payable to or in trust for such officer, clerk, or servant only, and shall not be assignable for or chargeable with his debts or other liabilities without the consent of the corporation under their seal :

A.D. 1876.

(6.) A municipal corporation may, if they think fit, with the approval of one of Her Majesty's Principal Secretaries of State, grant to any officer, clerk, or servant who is compelled to quit their service by reason of bodily injury, occasioned without his own fault in the discharge of his public duty, or from infirmity of mind or body, (such injury or infirmity being certified as in this Act prescribed with respect to a superannuation allowance,) before the completion of the period which would entitle him to superannuation allowance, or to the personal representative of any officer, clerk, or servant who shall die in their service by reason of bodily injury occasioned as aforesaid, a gratuity, not exceeding—

(a.) *Three months'* pay for every *two years* of service in case of death or retirement by reason of bodily injury in course of duty as aforesaid, or

(b.) *One month's* pay for each *year* of service in case of retirement by reason of infirmity,

and not exceeding in the aggregate in any case *one year's* salary or emoluments, computed on the average of the last *three years* of service, or, if the service has not lasted for *three years* then on the average annual rate of salary or emoluments during the period of service; provided that no such gratuity shall be granted to a person who has not during the period of his service devoted his whole time to such service :

(7.) No grant of an allowance or gratuity shall be valid unless it is sanctioned by two meetings of the council, the second meeting to be after an interval of not less than *one month* from the first; two thirds of the members of the council must be present at each such meeting, and a majority of those present must concur in sanctioning the grant :

(8.) A municipal corporation may agree with any officer, clerk, or servant already or hereafter to be appointed, that a superannuation fund shall be formed, to consist of deductions from the salaries and emoluments of such officer, clerk, or servant, and other officers, clerks, and servants, and of contributions by the municipal corporation from the fund or funds out of which such salaries and emoluments are payable, and that every such officer, clerk, or servant shall be entitled to a superannuation allowance at such time and subject to such conditions and regulations as shall be agreed upon :

A.D. 1876.

(9.) In this Act the term “municipal corporation” means the mayor, aldermen, and burgesses or citizens, in council assembled, of any city or borough for the time being subject to the provisions of the Act of the fifth and sixth William the Fourth, chapter seventy-six, intituled “An Act to provide for the regulation of Municipal Corporations in England and Wales,” as amended by the Acts amending the same.

Short title.

2. This Act may be cited for all purposes as the “Superannuation (Municipal Corporations) Act, 1876.”

10

Municipal Officers Superannuation.

A

B I L L

To enable the mayor, aldermen, and burgesses of municipal boroughs in England and Wales to grant Superannuation Allowances to their officers, clerks, and servants.

(Prepared and brought in by
Mr. Rathbone, Mr. Birley, Mr. Dixon,
Mr. Cawley, Mr. Kirkman-Hodgson, and
Mr. Torr.)

*Ordered, by The House of Commons, to be Printed,
9 February 1876.*

[Bill 2.]

Under 1 oz.

Municipal Privileges (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title of Act.
 2. Interpretation of words.
 3. Corporation of Dublin to appoint sheriff.
 4. Other corporations to appoint sheriffs.
 5. Present sheriffs to continue in office until new appointments.
 6. Person appointed to office of sheriff may decline.
 7. Sheriffs may be superseded.
 8. Vacancies to be filled.
 9. Office of sheriff not to be deemed one of profit.
 10. Corporations to appoint clerk of the peace in counties of cities and towns ;
 11. And in boroughs with grant of separate quarter sessions.
 12. Corporations may grant honorary freedom.
-

A

B I L L

TO

Extend to Municipal Corporations in Ireland the same privileges as are enjoyed by Municipal Corporations in England. A.D. 1876.

WHEREAS before and at the time of the passing of the Acts Preamble.
for the regulation of municipal corporations in England and
Ireland, passed respectively for England in the sixth year of the
reign of His late Majesty King William the Fourth, and for Ireland
5 in the fourth year of the reign of Her Majesty the now Queen, the
municipal corporations of cities and towns which were counties in
themselves had, both in England and Ireland, enjoyed and exer-
cised from very ancient times and by virtue of ancient charters
and usages the privilege and right of appointing sheriffs for such
10 counties of cities and counties of towns : And whereas such right has
been preserved to and is now enjoyed by such corporations in England,
but has been taken away from those in Ireland, and it is expedient
to restore such right to municipal corporations in Ireland, and also in
other respects to enlarge and extend the privileges now enjoyed by
15 municipal corporations in Ireland in order more nearly to assimilate
them to those enjoyed by similar bodies in England and Scotland :

Be it enacted by the Queen's most Excellent Majesty, by and
with the advice and consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
20 authority of the same, as follows :

1. This Act may be cited for all purposes as "The Municipal Short title of Act.
Privilege Act, Ireland, 1875."

2. "Borough" in this Act shall mean and include any city, town, Interpreta-
tion of words.
or borough in which a municipal corporation now exists or shall
25 hereafter exist, pursuant to any statute regulating municipal corpo-
rations in Ireland ; and the word "mayor" shall, as to the city of
Dublin, mean and include the lord mayor.

3. On the *first day of December* immediately after the passing of Corporation
of Dublin to
appoint
sheriff.
the Act, and on the first day of December in every year following,

[Bill 39.]

A

A.D. 1876. — or in case such day shall fall on a Sunday, then on the day after, the council of the city of Dublin shall appoint a fit person to execute the office of sheriff for the county of the city of Dublin, with the like duties and powers as the sheriff or person filling the office of sheriff would have had if this Act had not passed, and 5 the person so appointed shall, on the *first day of January* or so soon thereafter as he shall in manner herein-after mentioned have taken the oaths required by law, have and exercise the said office of sheriff until his successor shall have been appointed and likewise taken the oaths required by law. 10

Other corporations to appoint sheriffs.

4. Upon the first day of December in this and every succeeding year, or in case such day shall fall upon a Sunday, then upon the day following, the councils of the following cities and towns shall in like manner respectively appoint a fit person to be sheriff for the following counties respectively; that is to say, 15

The council of the city of Cork, for the county of the city of Cork;

The council of the city of Limerick, for the county of the city of Limerick;

The council of the city of Waterford, for the county of the city of 20 Waterford;

The council of the city of Kilkenny, for the county of the city of Kilkenny;

The council of the town of Drogheda, for the county of the town of Drogheda; 25

and each of the persons so appointed shall in like manner execute the office of sheriff of each of the said counties respectively, and shall enter on the said office on the first day of January following his election, or so soon thereafter as he shall in manner herein-after mentioned have taken the oaths required by law, and shall hold 30 office until his successor shall have been appointed and likewise taken the oaths required by law.

Present sheriffs to continue in office until new appointments.

5. The person now filling the office of sheriff in each of the said counties shall continue to hold and execute same until the first of January next, and until a sheriff appointed under this Act shall 35 have entered on his office and taken the oaths required by law.

Person appointed to office of sheriff may decline.

6. Any person appointed to the office of sheriff under the provisions of this Act may decline to serve without incurring any penalty.

Sheriffs may be superseded.

7. Sheriffs appointed under the provisions of this Act may be 40 superseded by the Crown in the same manner as sheriffs for counties can now be superseded.

8. If at any time after the passing of this Act a vacancy shall occur in the office of sheriff of any of the said counties, or if any person appointed sheriff under this Act shall refuse to act, die, or become incapable of acting before he enters on his office, or shall
 5 be superseded, the council to whom the appointment of the said sheriff belongs shall, within one week after notice of refusal, or of the sheriff being superseded, or of a vacancy, death, or incapacity as aforesaid, at a meeting duly convened by the mayor, appoint a fit person to fill the said vacancy or to be in the room and stead of
 10 the person so refusing, superseded, dying, or becoming incapable.
9. The office of sheriff shall not be deemed to be an office of profit in the gift or disposal of or under the council of any borough within the meaning of any statute regulating municipal corporations in Ireland, nor shall any person, by reason of being appointed
 15 to such office, be disqualified from being elected or being an alderman or councillor of such borough, nor shall any person be disqualified or incapacitated from being appointed sheriff by reason of his being such alderman or councillor.
10. Whenever after the passing of this Act a vacancy shall occur
 20 in the office of clerk of peace for any of the counties herein-before mentioned the council of the borough to whom the appointment of sheriff for such county belongs shall appoint a fit person to be clerk of the peace during his good behaviour, and the person so appointed shall discharge the duties in person, and, while he continues to hold such office, have and fulfil and exercise all the
 25 emoluments, rights, duties, and privileges of same as fully to all intents and purposes as the person filling such office would have done if this Act had not been passed.
11. The council of every borough to which a grant of a separate
 30 court of quarter sessions has been made shall in like manner appoint a fit and proper person, subject to the like provisions, to be clerk of the peace during good behaviour whenever a vacancy shall occur in such office, and the council of every borough to which such grant shall hereafter be made shall, upon such grant being
 35 so made and whenever a vacancy shall occur in the office, in like manner appoint a fit and proper person, subject to the like provisions, to be clerk of the peace during his good behaviour.
12. From and after the passing of this Act it shall be lawful for the council of any borough in Ireland to elect and admit any
 40 person to be an honorary Burgess of such borough, but no person so elected or admitted shall be entitled to vote at any election or to exercise any corporate privilege by reason of such election or

A.D. 1876.

Vacancies to be filled.

Office of sheriff not to be deemed one of profit.

Corporations to appoint clerk of the peace in counties of cities and towns;

and in boroughs with grant of separate quarter sessions.

Corporations may grant honorary freedom.

A.D. 1876. admission; and no person, except the person himself who is so elected and admitted, shall be entitled to make any claims by reason thereof, or to have or enjoy any right or claim by descent, inheritance, or otherwise; but in any case in which it is by law a necessary qualification for a corporate office that the person filling 5 same shall be on the burgess roll of the borough, any person elected and admitted as an honorary burgess shall be deemed and taken to possess such qualification.

Municipal Privileges (Ireland).

A

B I L L

To extend¹ to Municipal Corporations in Ireland the same privileges as are enjoyed by Municipal Corporations in England.

(Prepared and brought in by
Mr. Maurice Brooks, Mr. Butt, and Mr. Ronayne.)

*Ordered, by The House of Commons, to be Printed,
9 February 1876.*

[Bill 39.]

Under 1 oz.

LORDS AMENDMENTS
TO THE
MUNICIPAL PRIVILEGES (IRELAND) BILL.

Note.—*The page and line refer to the Bill (211.) as first printed
by the Lords.*

Page 1.

In the title, line 4, leave out (“to”) and insert (“the privileges
“ of ”), and leave out from (“Ireland”) to the end of the
title.

Line 1, leave out from (“Whereas”) to (“extend”) in line 14
and insert (“it is expedient to”)

Page 2.

Lines 38 and 39, leave out (“in manner herein-after men-
tioned ”)

Line 38, after (“oaths”) insert (“now”)

After clause 4. insert the following clause :

In case any of the said town councils shall in any year neglect
or refuse to select three persons qualified to fill the office of sheriff,
and to notify the names of the persons so selected to the Lord
Lieutenant on the day or within the time and in manner provided
by this Act, it shall be lawful for the Lord Lieutenant of Ireland
at any time before the thirtieth day of November then next
ensuing to appoint a fit person to be such sheriff; and every
person so appointed shall so soon thereafter as he shall have taken
the oaths now required by law, have and exercise all the powers,
privileges, and duties pertaining to a sheriff appointed under this
Act.

Page 3.

Line 32, after (“be”) insert (“qualified for appointment to
“ the office of sheriff or ”)

Line 38, after (“privilege”) insert (“or hold any corporate
“ office ”)

Transpose clauses 10. and 11.

[Bill 296.]

LORDS AMENDMENTS

TO THE

MUNICIPAL PRIVILEGES
(IRELAND) BILL.

Ordered, by The House of Commons, to be Printed,
12 August 1876.

[Bill 296.]

Under 1 oz.

Newspaper Registration, &c. Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Particulars to be printed in newspapers with supplements.
Penalty for omission.
 2. No person to print or publish a newspaper until a declaration be made and delivered at the stamp office. Fresh declaration to be made in certain cases. Before whom declarations are to be made. Penalty if the declaration be false or defective.
 3. Declarations delivered in Edinburgh or Dublin to be sent to Commissioners of Inland Revenue.
 4. Penalty for printing or publishing a newspaper, such declaration not having been made.
 5. Declarations to be filed, and certified copies to be admitted in evidence against the persons making the same. Commissioners to deliver certified copies of declarations, and the same to be received in evidence. After production of the declaration, and a newspaper intituled as therein mentioned, it shall not be necessary to prove the purchase of the paper. Penalty on unauthorised persons giving certificates, and on Commissioners or officers giving false certificates.
 6. Service of process at the place of printing or publishing mentioned in the declaration shall be deemed sufficient.
 7. Titles of newspapers and names of printers and publishers to be entered in a book.
 8. Names and addresses of printers and publishers of newspapers to be published in each copy.
 9. Short title and date of commencement of the Act.
-

A

B I L L

TO

Provide for the Registration of Newspapers, and to amend the A.D. 1876.
Law of Libel.

WHEREAS it is expedient that greater facilities should be given for the proof of the publication of libel in newspapers :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and
5 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. Every sheet or piece of paper which shall be published as a supplement to any newspaper, except the "London Gazette," shall be printed with the same title and date as the newspaper to which
10 it shall be or shall purport to be a supplement, with the addition of the words "supplement to" prefixed to such title. And if any sheet or piece of paper shall be published as a supplement to any newspaper, such supplement not having printed thereon the several particulars by this Act required to be printed thereon, and in the
15 manner and form by this Act directed, the publisher of such newspaper and supplement respectively shall, for every such sheet or piece of paper so published as a supplement, and for every copy thereof, forfeit the sum of *twenty pounds*. Particulars to be printed in newspapers with supplements.

Penalty for omission.

2. No person shall print or publish, or shall cause to be printed
20 or published, any newspaper before there shall be delivered for the purpose of registration to the Commissioners of Inland Revenue, or to the proper authorised officer at the head office for stamps in Westminster, Edinburgh, or Dublin respectively, or to the distributor of stamps, or other proper officer appointed by the said
25 Commissioners for the purpose in or for the district within which such newspaper shall be intended to be printed and published, a declaration in writing, containing the several matters and things herein-after for that purpose specified; that is to say,

1. The correct title of the newspaper to which the same shall
30 relate :
[Bill 64.] A

No person to print or publish a newspaper until a declaration be made and delivered at the stamp office.

A.D. 1876.

2. The true description of the house or building wherein such newspaper is intended to be printed, and also of the house or building wherein such newspaper is intended to be published by or for or on behalf of the proprietor thereof :
3. The true name, addition, and place of abode of every person 5
who is intended to be the printer, or to conduct the actual
printing of such newspaper, and of every person who is in-
tended to be the publisher thereof, and of every person who
shall be a proprietor of such newspaper who shall be
resident out of the United Kingdom, and also of every 10
person resident in the United Kingdom who shall be a pro-
prietor of the same if the number of such last mentioned
persons (exclusive of the printer and publisher) shall not
exceed two, and in case such number shall exceed two, then
of such two persons being such proprietors resident in the 15
United Kingdom the amount of whose respective propor-
tional shares in the property or in the profit or loss of such
newspaper shall not be less than the proportional share of
any other proprietor thereof resident in the United Kingdom,
exclusive of the printer and publisher; and also where the 20
number of such proprietors resident in the United Kingdom
shall exceed two the amount of the proportional shares or
interests of such several proprietors whose names shall be
specified in such declaration.

And every such declaration shall be made and signed by every 25
person named therein as printer or publisher of the newspaper to
which such declaration shall relate, and by such of the said persons
named therein as proprietor, as shall be resident within the United
Kingdom; and a declaration of the like import shall be made,
signed, and delivered in like manner, whenever and so often 30
as any share, interest, or property soever in any newspaper
named in any such declaration shall be assigned, trans-
ferred, divided, or changed by act of the parties, or by operation
of law so that the respective proportional shares or interests of
the persons named in any such declaration as proprietors of 35
such newspaper, or either of them, shall respectively become
less than the proportional share or interest of any other proprietor
exclusive of the printer and publisher. And also whenever and so
often as any printer, publisher, or proprietor named in any such
declaration, or the person conducting the actual printing of the news- 40
paper named in any such declaration, shall be changed or shall
change his place of abode, and also whenever and so often as the

Fresh decla-
ration to be
made in cer-
tain cases.

title of any such newspaper or the printing office or the place of publication thereof shall be changed, and also whenever in any case or on any occasion or for any purpose the said Commissioners or any officer of the said Commissioners authorised in that behalf, shall

A.D. 1876.

5 require such declaration to be made, signed, and delivered, and shall cause notice in writing for that purpose to be served upon any person or to be left or posted in any place mentioned in the last preceding declaration delivered as aforesaid as being a printer, publisher, or proprietor of such newspaper respectively; and every such
10 declaration shall be made before any one or more of the said Commissioners, or before any officer of the said Commissioners or other person appointed by the said Commissioners either generally or specially in that behalf; and such Commissioners or any one of them and such officer or other person are hereby generally and
15 respectively authorised to take and receive such declaration as aforesaid; and if any person shall knowingly and wilfully sign and make any such declaration in which shall be inserted or set forth the name, addition, or place of abode of any person as a proprietor or publisher, printer or conductor of the actual printing of any
20 newspaper to which such declaration shall relate who shall not be a proprietor or publisher thereof, or from which shall be omitted the name, addition, or place of abode of any proprietor, publisher, printer, or conductor of the actual printing of such newspaper, contrary to the true meaning of this Act, or in which any matter or
25 thing required by this Act to be set forth shall be set forth otherwise than according to the truth, or from which any matter or thing required by this Act to be truly set forth shall be entirely omitted, every such offender being convicted thereof shall be deemed guilty of a misdemeanour.

Before whom
declarations
are to be
made.

Penalty if
the declara-
tion be false
or defective.

30 **3.** Whenever any such declaration as aforesaid shall have been duly delivered at the head office for stamps in Edinburgh or Dublin respectively, or to any distributor or officer authorised by the second section of this Act to receive the same, it shall be the duty of the person so receiving the same to send the same forthwith to
35 the said Commissioners of Inland Revenue, and any printer, publisher, or proprietor shall be entitled to receive from the said Commissioners a certificate that the requirements of this Act have been duly fulfilled on payment of the sum of *one shilling* and no more, and such certificate shall be conclusive evidence in all proceedings,
40 civil or criminal, that the said declaration was duly made and registered at the date therein stated.

Declarations
delivered in
Edinburgh
or Dublin to
be sent to
Commis-
sioners of
Inland
Revenue.

A.D. 1876

Penalty for
printing or
publishing a
newspaper,
such declara-
tion not
having been
made.

4. If any person shall knowingly and wilfully print or publish, or shall cause to be printed or published, or either as a proprietor or otherwise sell or deliver out any newspaper relating to which such declaration as aforesaid, containing such matters and things as are required by this Act to be therein contained, shall not have been 5
duly signed and made and delivered when and so often as by this Act is required, or any other matter or thing required by this Act to be done or performed shall not have been accordingly done or performed, every person in any such case offending shall forfeit for every such act done the sum of *fifty pounds* for every day on which 10
any such newspaper shall be printed or published, sold or delivered out, before or until such declaration shall be signed and made and delivered or before or until such other matter or thing shall be done or performed as by this Act is directed.

Declarations
to be filed,
and certified
copies to be
admitted in
evidence
against the
persons
making the
same.

5. All such declarations as aforesaid shall be registered, filed, 15
and kept in such manner as the Commissioners of Inland Revenue shall direct for the safe custody thereof, and copies thereof certified to be true copies, as by this Act is directed, shall respectively be admitted in all proceedings, civil and criminal, and upon every occasion whatsoever touching any newspaper mentioned in any 20
such declaration, or touching any publication, matter, or thing contained in any such newspaper, as conclusive evidence of the truth of all such matters set forth in such declaration as are hereby required to be therein set forth, and of their continuance respec- 25
tively in the same condition down to the time of the commencement of such proceedings against every person who shall have signed such declaration, unless it shall be proved that previous to such time such person became lunatic, or that previous to the publication in question or such trial such person did duly sign and make a declaration that such person had ceased to be a printer, publisher, 30
or proprietor of such newspaper, and did duly deliver the same to the said Commissioners, or to such officer as aforesaid, or unless it shall be proved that previous to such occasion as aforesaid a new declaration of the same or a similar nature respectively, or such as may be required by law, was duly signed and made and delivered as 35
aforesaid respecting the same newspaper, in which the person sought to be affected on such trial did not join, and the said Commissioners, or the proper authorised officer by whom any such declaration shall be kept according to the directions of this Act, shall, upon applica- 40
tion made to them or him respectively, by any person requiring a copy certified according to this Act, of any such declaration as aforesaid, in order that the same may be produced in any civil or

Commis-
sioners to
deliver cer-
tified copies
of declara-
tions, and
the same to
be received
in evidence.

criminal proceeding, deliver such certified copy, or cause the same to delivered to the person applying for the same, upon payment of the sum of *one shilling* and no more ; and in all proceedings and upon all occasions whatsoever, any document purporting to be a copy of any

5 such declaration, or purporting to be a copy of any such certificate as mentioned in the third section of this Act, shall, if such declaration or certificate respectively be certified to be a true copy under the hand of one of the said Commissioners, or of any officer in whose possession the same shall be, and whom it shall
10 not be necessary to prove to be a Commissioner or officer, be received in evidence against any and every person named in such declaration as a person making or signing the same as sufficient proof of such declaration, and that the same was duly signed, delivered, and made according to this Act, and of the contents
15 thereof ; and every such copy so produced and certified shall have the same effect for the purpose of evidence against any and every such person named therein as aforesaid, to all intents whatsoever as if the original declaration, of which the copy so produced and certified shall purport to be a copy, had been produced in evidence
20 and been proved to have been duly signed, delivered, and made by the person appearing by such copy to have signed and made the same as aforesaid ; and whenever a certified copy of any such declaration shall have been produced in evidence as aforesaid against any person having signed and made such declaration, and a news-
25 paper shall afterwards be produced in evidence, intituled in the same manner as the newspaper mentioned in such declaration is intituled, and wherein the name of the printer and publisher and the place of printing shall be the same as the name of the printer and publisher and the place of printing mentioned in such declaration, or shall purport to be the same, whether such title, name, and
30 place printed upon such newspaper shall be set forth in the same form of words as is contained in the said declaration, or in any form of words as is contained in the said declaration, or in any form of words varying therefrom, it shall not be necessary for the plaintiff, informant, or prosecutor, in any action, prosecution, or other proceeding, to prove that the newspaper to which such action, prosecution, or other proceeding may relate, was purchased of the defendant, or at any house, shop, or office belonging to or occupied by the defendant, or by his servants, or workmen, or where he may usually carry on the
40 business of printing or publishing such newspaper or where the same may be usually sold ; and if any person, not being one of the said Commissioners or the proper authorised officer, shall give any certificate purporting to be such certificate as aforesaid, or shall pre-

After production of the declaration, and a newspaper intituled as therein mentioned, it shall not be necessary to prove the purchase of the paper.

Penalty on unauthorised persons giving certifi-

A.D. 1876.

cates, and on
Commission-
ers or officers
giving false
certificates.

sume to certify any of the matters or things by this Act directed to be certified by such Commissioner or officer, or which such Commissioner or officer is hereby empowered or intrusted to certify; or if any such Commissioner or officer shall knowingly and wilfully falsely certify under his hand that any such declaration as is required to be made by this Act was duly signed and made before him, the same not having been so signed and made, or shall knowingly and wilfully falsely certify that any copy of any declaration is a true copy, of the declaration of which the same is certified to be such copy the same not being such true copy, every person so offending shall forfeit the sum of *one hundred pounds*.

Service of
process at
the place of
printing or
publishing
mentioned in
the declara-
tion shall be
deemed suffi-
cient.

6. In any suit, prosecution, or proceeding, civil or criminal, against any printer, publisher, or proprietor of any newspaper, service at the house or place mentioned in any such declaration as aforesaid as the house or place at which such newspaper is printed or published, or intended so to be, of any notice or other matter required or directed by this Act to be given or left, or of any summons, claim, subpoena, rule, order, writ, or process of what nature soever either to enforce an appearance, or for any other purpose whatsoever, shall be taken to be good and sufficient service thereof respectively, upon and against every person named in such declaration as the printer, publisher, or proprietor of the newspaper mentioned in such declaration.

Titles of
newspapers
and names of
printers and
publishers to
be entered in
a book.

7. The Commissioners of Inland Revenue shall cause to be entered in a book, to be kept at the head office for stamps in Westminster, the title of every newspaper so registered as aforesaid, and also the names of the printers and publishers thereof, as the same appear in the declarations required by this Act to be made relating to such newspapers respectively, and all persons shall have free liberty to search and inspect the said book from time to time during the hours of business at the said offices without payment of any fee or reward.

Names and
addresses of
printers and
publishers of
newspapers
to be pub-
lished in
each copy.

8. At the end of every newspaper, and of any and every supplement sheet or piece of paper, shall be printed the Christian name and surname, addition, and place of abode of the printer and publisher of the same, and also a true description of the house or or building wherein the same is actually printed and published respectively, and the day of the week, month, and year, on which the same is published, and if any person shall knowingly and wilfully print or publish, or cause to be printed or published, any newspaper or supplement thereto, whereon the several particulars aforesaid shall not be printed, or whereon there shall be printed any false name,

addition, place, or day, or whereon there shall be printed any description of the place of printing or publishing such newspaper, which shall be different in any respect from the description of the house or building mentioned in the declaration required by this Act
5 to be made relating to such newspaper as the house or building wherein such newspaper is intended to be printed or published, every such person shall for any and every such offence forfeit the sum of *twenty pounds*.

9. This Act may be cited as the “Newspaper Publishers Act,
10 1876,” and shall come into operation on the first day of September one thousand eight hundred and seventy-six.

A.D. 1876.

Short title
and date of
commence-
ment of
the Act.

Newspaper Registration, &c.

A

BILL

To provide for the Registration of Newspapers, and to amend the Law of Libel.

(Prepared and brought in by
Mr. Waddy and Mr. Ashley.)

Ordered, by The House of Commons, to be Printed,
11 February 1876.

[Bill 64.]

Under 2 oz.

Norwich and Boston Corrupt Voters Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Suspension of writ for Norwich.
 2. Disfranchisement of certain voters for the city of Norwich and borough of Boston.
 3. Evidence of reports.
 4. Short title.
-

A

B I L L

TO

Suspend for a limited period the holding of an Election of
a Member or Members to serve in Parliament for the
City of Norwich, and to disfranchise certain voters for
the said City, and also certain voters for the Borough of
Boston.

A.D. 1876.

WHEREAS Commissioners appointed under a commission of
Her Majesty, dated the twelfth day of July one thousand eight
hundred and seventy-five, for the purpose of making inquiry into
the existence of corrupt practices at the election of a member to
serve in Parliament for the city of Norwich held in the month of
March one thousand eight hundred and seventy-five (in this Act
called the Norwich Commissioners), reported to Her Majesty
amongst other matters—

10 That corrupt practices extensively prevailed in Norwich at the
said election;

That the several persons named in the schedule marked I. and
annexed to their said report were guilty of bribery at the
said election;

15 That the several persons named in the schedule marked II. and
annexed to their said report were bribed at the said election;

That the person named in the schedule marked III. and annexed
to their said report was guilty of the offence of personation
within the meaning of section twenty-four of the Ballot Act,
1872; and

20 That the several persons named in the schedule marked IV. and
annexed to their said report were guilty of procuring the com-
mission of the offence of personation within the meaning of
section twenty-four of the Ballot Act, 1872:

And whereas Commissioners appointed under a commission of
Her Majesty, dated the eleventh day of May one thousand eight
hundred and seventy-five, for the purpose of making inquiry into

[Bill 244.]

A

A.D. 1876. the existence of corrupt practices at the election of members to serve in Parliament held for the borough of Boston in the month of February one thousand eight hundred and seventy-four (in this Act called the Boston Commissioners), reported to Her Majesty amongst other matters that the persons whose names are set forth in schedule A. annexed to their said report were guilty of bribery at the said election; and that the person named in schedule B. annexed to their said report was guilty of corruptly influencing voters by treating at that election: 5

And whereas it is expedient to make the provision herein-after mentioned with respect to the city of Norwich, and the persons named in the schedules to the said reports: 10

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: 15

Suspension
of writ for
Norwich.

1. An election of a member or members to serve in Parliament for the city of Norwich shall not be held until after the end of this present Parliament.

Disfranchise-
ment of cer-
tain voters
for the city
of Norwich
and borough
of Boston.

2. The persons following, namely,— 20

(1.) Those named in the schedules marked I. and II. and annexed to the said report of the Norwich Commissioners as having been guilty of bribery, or as having been bribed at the said election held in the month of March one thousand eight hundred and seventy-five; and 25

(2.) Those named in the schedules marked III. and IV. and annexed to the same report as having been guilty of personation or of procuring personation; and

(3.) Those named in the schedules marked A. and B. and annexed to the said report of the Boston Commissioners, 30

shall be incapable during the period of seven years next after the passing of this Act of being registered as voters and voting at any election in the United Kingdom.

Evidence of
reports.

3. Any copy of the said reports made by the Norwich Commissioners and by the Boston Commissioners respectively, with the schedules thereunto annexed, purporting to be printed by Her Majesty's printers, shall be deemed to be sufficient evidence of the said reports and schedules. 35

Short title.

4. This Act may be cited as the Norwich and Boston Corrupt Voters Act, 1876. 40

Norwich and Boston Corrupt Voters.

A

B I L L

To suspend for a limited period the holding of an Election of a Member or Members to serve in Parliament for the City of Norwich, and to disfranchise certain voters for the said City, and also certain voters for the Borough of Boston.

(*Prepared and brought in by
Mr. Attorney General and Mr. Secretary Cross.*)

*Ordered, by The House of Commons, to be Printed,
10 July 1876.*

[Bill 244.]

Under 1 oz.

A

B I L L

TO

Assimilate the Law in Ireland to the Law in England as to A.D. 1876.
 Notices to Quit.

WHEREAS it is expedient to assimilate the law in Ireland to the law in England as to notices to quit:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, 5 and Commons, in this Parliament assembled, and by the authority of the same, as follows:

1. *After the passing of this Act* a year's notice to quit, expiring with a year of the tenancy, shall in all cases be necessary to determine a tenancy from year to year of any holding in Ireland, 10 except in the case when a tenant shall be adjudged a bankrupt, or shall have filed a petition for a composition or arrangement with his creditors, and, in that case, a half year's notice expiring with a year of the tenancy shall be sufficient.

A year's notice to quit shall be necessary to determine a tenancy from year to year. [Agricultural Holdings (England) Act, 1875 s. 51.]

2. This Act shall not apply to any holding which is not agricultural or pastoral in its character, or partly agricultural and 15 partly pastoral, and the term "holding" shall include all land of the same character held by the same tenant of the same landlord for the same term, and under the same contract of tenancy.

Agricultural or pastoral holdings only subject to this Act. [The Landlord and Tenant (Ireland) Act, 1870, s. 72.]

3. This Act may be cited as the Notices to Quit (Ireland) 20 Act, 1876.

Short title.

Notices to Quit (Ireland).

A

B I L L

To assimilate the Law in Ireland to the
Law in England as to Notices to Quit.

(Prepared and brought in by
Sir Colman O'Loghlen, Mr. Downey, and
Mr. Patrick Martin.)

*Ordered, by The House of Commons, to be Printed,
27 March 1876.*

[Bill 114.]

Under 1 oz.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Assimilate the Law in Ireland to the Law in England as to A.D. 1876.
Notices to Quit.

WHEREAS it is expedient to assimilate the law in Ireland to the law in England as to notices to quit:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this Parliament assembled, and by the authority of the same, as follows:

1. After the passing of this Act a year's notice to quit, expiring with a year of the tenancy, shall in all cases be necessary and sufficient to determine a tenancy from year to year of any holding in Ireland, except in the case when a tenant shall be adjudged a bankrupt, or shall have filed a petition for a composition or arrangement with his creditors, and, in that case, a half year's notice expiring with a year of the tenancy shall be sufficient.

A year's notice to quit shall be necessary and sufficient to determine a tenancy from year to year. [Agricultural Holdings (England) Act, 1875, s. 51.]

2. After the passing of this Act no notice to quit shall be necessary to determine a tenancy at will, or a tenancy less than a tenancy from year to year, or a tenancy from year to year created by a written contract which provides that the tenancy shall cease and determine in case the tenant shall be adjudged a bankrupt, or shall file a petition for a composition of arrangement with his creditors.

A notice to quit not necessary in certain tenancies.

3. This Act shall not apply to any holding which is not agricultural or pastoral in its character, or partly agricultural and partly pastoral, and the term "holding" shall include all land of the same character held by the same tenant of the same landlord for the same term, and under the same contract of tenancy.

Agricultural or pastoral holdings only subject to this Act. [The Landlord and Tenant (Ireland) Act, 1870, s. 72.]

4. So much of the fifty-eighth section of "The Landlord and Tenant (Ireland) Act, 1870," as enacts that "a notice to quit" shall not, in the case of a tenant from year to year, take effect "until after the expiration of a period of not less than six calendar months from the date of the service of the notice, such period of six calendar months, in the absence of agreement to the contrary,

Repeal of portion of the 58th section of the Landlord and Tenant (Ireland) Act, 1870.

[Bill 160.]

A.D. 1876. “ to terminate on the last gale day of the calendar year,” shall be
— and the same is hereby repealed, save and except as to notices to
quit served before the passing of this Act.

Short title. **5.** This Act may be cited as “The Notices to Quit (Ireland)
Act, 1876,” and shall be construed as one Act with “The Landlord 5
and Tenant (Ireland) Act, 1870,” save so far as it repeals or is
inconsistent with said Act.

Notices to Quit (Ireland).

A

B I L L

[AS AMENDED IN COMMITTEE]

To assimilate the Law in Ireland to the
Law in England as to Notices to Quit.

(Prepared and brought in by
Sir Colman O'Loghlin, Mr. Downing, and
Mr. Patrick Martin.)

*Ordered, by The House of Commons, to be Printed,
22 May 1876.*

[Bill 160.]

Under 102.

A
B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

TO

Render necessary in Ireland, as in England, a Year's Notice to
Quit to determine a Tenancy from Year to Year, and
otherwise to amend the Law as to Notices to Quit. A.D. 1876.

WHEREAS it is expedient to require in Ireland, as in England,
a year's notice to quit to determine a tenancy from year to
year, and otherwise to amend the law as to notices to quit :

Be it enacted by the Queen's most Excellent Majesty, by and
with the advice and consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
authority of the same, as follows :

1. After the passing of this Act a year's notice to quit, expiring
on the last gale day of the calendar year, irrespective of the
period of the year when such tenancy commenced, shall in all
cases be necessary and sufficient to determine a tenancy from year
to year of any holding in Ireland, where a notice to quit is now
by law necessary for the determination of the same, except in the
case when a tenant shall be adjudged a bankrupt, or shall have
filed a petition for a composition or arrangement with his creditors,
and in that case a half year's notice expiring on any gale day,
irrespective of the period of the year when such tenancy commenced,
shall be sufficient; but nothing in this section shall extend to the
case of a tenancy from year to year created either before or after
the passing of this Act by a written contract, which contains a
special agreement as to the time and mode of determining such
tenancy.

A year's notice to quit shall be necessary and sufficient to determine a tenancy from year to year. [Agricultural Holdings (England) Act, 1875, s. 51.]

2. After the passing of this Act no notice to quit, other than
what is now required by law, shall be necessary to determine a
tenancy at will, or a tenancy less than a tenancy from year to year.

A year's notice to quit not necessary in certain tenancies.

[Bill 226.]

A.D. 1876.

Resumption
for improve-
ments.

3. Where on a tenancy from year to year a notice to quit is given by the landlord with a view to the use of land for any of the following purposes :

The providing of gardens for existing farm labourers' cottages or other houses ;

5

The allotment for labourers of land for gardens or other purposes ;

The planting of trees ;

The opening or working of any coal, ironstone, limestone, or other mineral, or of a stone quarry, clay, sand, or gravel pit, 10
or the construction of any works or buildings to be used in connection therewith ;

The obtaining of brick earth, gravel, or sand ;

The making of a watercourse or reservoir ;

The making of any road, tramroad, siding, canal, or basin, or any 15
wharf, pier, or other work connected therewith ;

and the notice to quit so states, then it shall by virtue of this Act be no objection to the notice that it relates to part only of the holding.

In every such case the provisions of "The Landlord and Tenant 20
(Ireland) Act, 1870," respecting compensation shall apply, to the extent of the premises mentioned in the notice to quit, as on determination of a tenancy in respect of the entire holding.

The tenant shall also be entitled to a proportionate reduction of rent in respect of the land comprised in the notice to quit, and in 25
respect of any depreciation of the value to him of the residue of the holding, caused by the withdrawal of that land from the holding, or by the use to be made thereof ; and the amount of that reduction shall be ascertained by agreement or settled under "The Landlord and Tenant (Ireland) Act, 1870," as in case of compensation. The 30
forms already in use under the Land Act may be used so far as the same may be applicable.

The tenant shall further be entitled at any time within twenty-eight days after the service of the notice to quit, to serve on the landlord a notice in writing to the effect that he (the tenant) 35
accepts the same as a notice to quit the entire holding, and the notice to quit shall have effect accordingly.

Service of
notice to
quit in case
of tenant's
intestacy.

4. In any case where a tenant has died or shall die intestate, and no administration has been taken out to his estate, or in case a tenant has died or shall die leaving a will which has not been 40
proved, it shall be sufficient to address a notice to quit "to the

“ representatives of, and all persons claiming to represent (naming
 “ the tenant), deceased,” and it shall not be necessary to other-
 wise set out or describe who such representatives are ; and such
 notice to quit so addressed shall be deemed to be sufficiently served
 5 by leaving one copy of such notice at the former dwelling-house of
 the deceased tenant, or posting it on some conspicuous part of the
 holding, and sending another copy of such notice in a prepaid regis-
 tered post letter addressed in manner above mentioned and directed
 to the townland and county in which the holding, or any part thereof,
 10 is situated, and such notice shall be good and effectual notwith-
 standing any subsequent administration or probate granted to any
 person or persons whatsoever.

5. This Act shall not apply to any holding which is not agri-
 cultural or pastoral in its character, or partly agricultural and
 15 partly pastoral, and the term “ holding ” shall include all land of
 the same character held by the same tenant of the same landlord
 for the same term, and under the same contract of tenancy.

Agricultural
 or pastoral
 holdings only
 subject to
 this Act.
 [The Landlord
 and Tenant
 (Ireland) Act,
 1870, s. 72.]

6. So much of the fifty-eighth section of “ The Landlord and
 Tenant (Ireland) Act, 1870,” as enacts that “ a notice to quit
 20 “ shall not, in the case of a tenant from year to year, take effect
 “ until after the expiration of a period of not less than six calendar
 “ months from the date of the service of the notice, such period of
 “ six calendar months, in the absence of agreement to the contrary,
 “ to terminate on the last gale day of the calendar year,” shall be
 25 and the same is hereby repealed, save and except as to notices to
 quit served before the passing of this Act.

Repeal of
 portion of the
 58th section
 of the Land-
 lord and
 Tenant (Ire-
 land) Act,
 1870.

7. Nothing in this Act shall affect or invalidate notices to quit
 served before the passing of this Act.

This Act
 not to affect
 pending
 notices to
 quit.

8. This Act may be cited as “ The Notices to Quit (Ireland)
 30 Act, 1876,” and shall be construed as one Act with “ The Landlord
 and Tenant (Ireland) Act, 1870,” save so far as it repeals or is
 inconsistent with said Act.

Short title.

NOTICES TO QUIT
(Ireland).

A

B I L L

[AS AMENDED IN COMMITTEE AND ON
RE-COMMITMENT]

To render necessary in Ireland, as in
England, a Year's Notice to Quit to
determine a Tenancy from Year to
Year, and otherwise to amend the Law
as to Notices to Quit.

(Prepared and brought in by
Sir Colman O'Loughlin, Mr. Downing, and
Mr. Patrick Martin.)

*Ordered, by The House of Commons, to be Printed,
3 July 1876.*

[Bill 226.]

Under I oz.

LORDS AMENDMENTS
TO THE
NOTICES TO QUIT (IRELAND) BILL.

Note.—*The page and line refer to the Bill (165.) as first printed
by the Lords.*

In the title.

Leave out ("as in England")

Page 1.

Line 1, leave out ("as in England")

Line 8, before ("After") insert ("In any letting which shall
"take place")

Line 9, leave out ("the last") and insert ("any"), and after
("year") insert ("on which the rent becomes due and
"payable in respect of the holding")

Line 19, leave out from the second ("year") to ("as") in
line 21 and insert ("where there is or may be an express
"agreement in writing")

Line 23, leave out ("After the passing of this Act")

Line 24, leave out ("is now") and insert ("was at the time of
"the passing of this Act")

Page 2.

Line 8, after ("trees") insert
Turbary;

Lines 33 to 37, leave out the last paragraph of clause 3. and
insert

In any case where the land comprised in a notice to quit under the provisions of this section shall exceed in the whole one twenty-fifth part of any individual holding, or shall seriously interfere with the dwelling-house or farm buildings of such holding, the tenant shall further be entitled at any time within twenty-eight days after the service of the notice to quit to serve on the landlord a notice in writing to the effect that he (the tenant) accepts the same as a notice to quit the entire holding, and the notice to quit shall have effect accordingly; but such notice to quit shall not be deemed a disturbance of the tenant within the meaning of "The Landlord and Tenant (Ireland) Act, 1870," if the court shall be of opinion that the tenant was unreasonable in giving such notice in writing.

[Bill 285.]

Provided always, that nothing contained in this section shall interfere in any respect with the rights and privileges of the landlord under the fourteenth section of "The Landlord and Tenant (Ireland) Act, 1870."

Page 3.

Line 17, after ("tenancy") insert ("in lieu of the words so
 " repealed, it is hereby enacted that in all cases of tenancies
 " from year to year existing at the time of the passing of
 " this Act, unless there be a special agreement in writing
 " as to the time and mode of determining such tenancy, the
 " tenancy shall only be determinable by a notice to quit
 " expiring on the last gale day of any year, and served six
 " calendar months previously; and every notice to quit so
 " served and requiring the tenant to give up possession on
 " such gale day, shall be sufficient to determine the tenancy
 " irrespective of the period of the year at which such
 " tenancy commenced, and such tenancy shall be deter-
 " mined on the day named in such notice in the same manner
 " as if the tenancy had originally commenced upon a day of
 " the year corresponding to such day ")

LORDS AMENDMENTS

TO THE

NOTICES TO QUIT (IRELAND)
 BILL.

*Ordered, by The House of Commons, to be Printed,
 5 August 1876.*

[Bill 285.]

Under 1 oz.

A
B I L L

TO

Assimilate the Law in Ireland to the Law in England as to A.D. 1876.
quieting Possessions and Titles against the Crown.

WHEREAS by an Act passed in the twenty-fourth and twenty- 9 G. 3. c. 16.
fifth years of Her Majesty, certain provisions were made for (E.)
the better quieting possessions and titles against the Crown in 48 G. 3. c. 47.
England, and it is expedient to extend these provisions to Ireland (I.)
5 in order that the Crown shall have no greater right over the estates 24 & 25 Vict.
of its subjects in Ireland than what it enjoys over the estates of its c. 62. (E.)
subjects in England :

Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
10 Temporal, and Commons, in this present Parliament assembled, and
by the authority of the same, as follows :

1. The Queen's Majesty, her heirs and successors, shall not at
any time hereafter sue, impeach, question, or implead any person
or persons for or in anywise concerning any manors, lands, tene-
15 ments, rents, tithes, or hereditaments whatsoever (other than
liberties or franchises) which such person or persons, or his or their
or any of their ancestors or predecessors, or those from, by, or under
whom they do or shall claim, have, or shall have held or enjoyed
or taken the rents, revenues, issues, or profits thereof, by the
20 space of *sixty years* next before the filing, issuing, or commencing
of every such action, bill, plaint, information, commission, or other
suit or proceeding as shall at any time or times hereafter be filed,
issued, or commenced for recovering the same or in respect thereof,
by reason only that the same manors, lands, tenements, rents,
25 tithes, or hereditaments, or the rents, revenues, issues, or profits
thereof, have or shall have been in charge to Her Majesty or her
predecessors or successors within the said *sixty years*, but that such
having been in charge shall be, as against such person and persons,
and all claiming by, from, and under them or any of them, of no
30 force or effect.

The Crown
not to sue
for lands, &c.
after 60 years
by reason
only of same
having been
in charge.
24 & 25 Vict.
c. 62. s. 1.

[Bill 167.]

A.D. 1876.

The Crown
not to sue
after 60 years
by reason
only of the
lands, &c.
sued for
being part of
a manor, &c.
of which the
rents, &c.
have been
answered to
Her Majesty,
&c.
24 & 25 Vict.
c. 62. s. 3.

2. The Queen's Majesty, her predecessors and successors, shall not be held, deemed, or taken for the purpose of any suit, bill, plaint, information, commission, or other proceeding to have been answered the rents, revenues, issues, or profits of any lands, manors, tenements, rents, tithes, or hereditaments which shall 5 have been held or enjoyed, or of which the rents, revenues, issues, or profits shall have been taken, by any other person or persons by the space of *sixty years* next before the filing, issuing, or commencing of any such action, suit, bill, plaint, information, commission, or other proceeding for recovering the 10 same or in respect thereof, by reason only of the same lands, manors, tenements, rents, tithes, or hereditaments having been part or parcel of any honour or manor or other hereditaments of which the rents, revenues, issues, or profits shall have been answered to Her Majesty, her predecessors or successors, or some other person 15 under whom Her Majesty, her predecessors or successors, hath or lawfully claimeth or shall hereafter have or lawfully claim as aforesaid, or of any honour, manor, or other hereditaments which shall have been duly in charge to Her Majesty, her predecessors or successors as aforesaid. 20

Title of this
Act to be
read as one
Act with
48 G. 3. c. 47.

3. This Act may be cited as "The Nullum Tempus (Ireland) Act, 1876," and shall be read and construed with the Act for quieting possessions and confirming defective titles in Ireland passed in the forty-eighth year of His Majesty King George the Third.

Nullum Tempus (Ireland).

A

B I L L

To assimilate the Law in Ireland to the Law in England as to quieting Possessions and Titles against the Crown.

(*Prepared and brought in by
Sir Colman O'Loghlen and Mr. Meldon.*)

*Ordered, by The House of Commons, to be Printed,
24 May 1876.*

[Bill 167.]

Under 1 oz.

A

B I L L

TO

Amend the Law relating to Offences against the Person.

A.D. 1876.

WHEREAS it is expedient to amend the law relating to offences against the person :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as The Offences against the Person Act, 1876. Short title.

2. The enactment contained in the schedule hereto (except as to anything heretofore duly done thereunder, and except so far as may be necessary for the purpose of supporting and continuing any proceeding taken before the passing of this Act) is hereby repealed. Repeal of proviso to sect. 60 of 24 & 25 Vict. c. 100.

3. If the mother of any child shall unlawfully and maliciously wound or inflict any grievous bodily harm upon such child during or immediately after its birth, she shall be guilty of felony, and on conviction thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding *ten* years, or to be imprisoned for any term not exceeding *two* years, with or without hard labour. Wounding or inflicting grievous bodily harm on child to be felony.

4. Nothing herein contained shall (except as herein-after provided) exempt any person from liability to be tried for the murder or manslaughter of her child. Indictment for murder or manslaughter of child not precluded.

An indictment against a mother for the murder or manslaughter of her child may, in addition to such charge, contain a count for felony under this Act.

[Bill 1.]

A.D. 1876.

Indictment
for felony
under this
Act valid,
although the
facts may
amount to
murder or
man-
slaughter.

Extent of
Act.

5. If the facts or matters, alleged in an indictment for felony under this Act, shall amount in law to murder or manslaughter, such indictment shall not, by reason thereof, be deemed void, erroneous, or defective; and if the facts or matters proved on the trial of any person indicted for any felony under this Act shall amount in law to murder or manslaughter, such person shall not, by reason thereof, be entitled to be acquitted of such felony; but no person tried for such felony shall be afterwards prosecuted for murder or manslaughter upon the same facts.

6. This Act shall not extend to Scotland.

5

10

The SCHEDULE referred to in the foregoing Bill.

		Extent of Repeal.
24 & 25 Vict. c. 100.	An Act to consolidate and amend the Statute Law of England and Ireland relating to offences against the person.	Sect. 60., from "Provided always" to end of section.

15

Offences against the
Person.

A

B I L L

To amend the Law relating to
Offences against the Person.

(Prepared and brought in by
Mr. Charles and Mr. Whitwell.)

Ordered, by The House of Commons, to be Printed,
9 February 1876.

[Bill 1.]

Under 1 oz.

A
B I L L

FOR

Affording facilities for vesting in the Metropolitan Board of Works Open Spaces, Gardens, and Squares in the Metropolitan District for the exercise and recreation of the Public, and to empower Owners and Joint Owners to enter into arrangements with the Metropolitan Board of Works in relation thereto. A.D. 1876.

WHEREAS it is expedient to afford facilities for making available the open spaces in and near the metropolis for the use of the inhabitants for exercise and recreation, and to enable the Metropolitan Board of Works to acquire the control and management of such open spaces for such purposes :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 10 1. The Metropolitan Board of Works may, by purchase, or by the gift of the person or persons entitled to the same, acquire or accept the ownership of any open spaces, whether inclosed within rails or palings, or uninclosed, situated in the metropolis, and hold the same in trust for the perpetual use thereof by the public for
15 exercise and recreation, and may from time to time make byelaws for the regulation of such open spaces, and may by such byelaws provide for the removal of any person infringing any such byelaw by any officer of the said Board or police constable. Byelaws under this section shall be made in the same manner and subject to the
20 same conditions as byelaws made by the said Board under the Metropolis Management Act, 1855.

2. Where any open spaces now or hereafter used as places of exercise and recreation for the inhabitants of certain houses, and of which the property and right of user is now or hereafter may be
25 vested in one or more persons as owners of such houses, the owners

Metropolitan Board of Works may acquire and hold open spaces for benefit of public.

Right of entry to places of recreation may be con-

[Bill 86.]

- A.D. 1876. or other persons interested therein may convey to the Metropolitan Board of Works, in trust for the public, the right to enter upon and use and enjoy such open spaces, subject to such terms and conditions as may be agreed upon by such owners and other persons and the said Board of Works. 5
- veyed to Metropolitan Board of Works.
- Provision for keeping up open spaces. **3.** The Metropolitan Board of Works shall be entitled to make such provision as may be necessary for maintaining and protecting the open spaces so acquired by them.
- Expenses. **4.** The Metropolitan Board of Works shall be empowered to pay out of the funds at their disposal or which they are empowered to raise under the said Metropolis Management Act, 1855, and the several Acts amending the same, the costs and charges which they may incur in the execution of this Act, and such costs and charges shall be deemed to be expenses for which provision is made by such Acts. 10 15
- Extent of Act. **5.** This Act shall not extend to the royal parks, nor to any garden, ornamental ground, or ornamental land belonging to Her Majesty in right of Her Crown or of Her Duchy of Lancaster, or any garden, ornamental ground, or ornamental land for the time being under the management of the Commissioners for the time being of Her Majesty's Works and Public Buildings or of the Commissioners for the time being acting under the Crown Estate Paving Act, 1851. 20
- Meaning of term "metropolis." **6.** The term "metropolis" in this Act means the City of London and all parishes and places mentioned in Schedules A., B., and C. to the said Metropolis Management Act, 1855. 25
- Short title. **7.** This Act may be cited as the Metropolitan Open Spaces Act, 1876.

Open Spaces (Metropolitan District).

A

B I L L

For affording facilities for vesting in the Metropolitan Board of Works Open Spaces, Gardens, and Squares, in the Metropolitan District for the exercise and recreation of the Public and to empower Owners and Joint Owners to enter into arrangements with the Metropolitan Board of Works in relation thereto.

(*Prepared and brought in by
Mr. Whalley and Sir George Bowyer.*)

*Ordered, by The House of Commons, to be Printed,
23 February 1876.*

[Bill 86.]

Under 1 oz.

A
B I L L

TO

Extend the Limits of Age up to which, with the assent of A.D. 1876.
Boards of Guardians, orphan and deserted pauper Children
may be supported out of Workhouses in Ireland.

WHEREAS it is expedient to extend the age up to which
orphan and deserted children may be kept out at nurse in
Ireland:

Be it enacted by the Queen's most Excellent Majesty, by and
5 with the advice and consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
authority of the same, as follows:

1. *From and after the passing of this Act* the Act of the thirty- Repeal.
second and thirty-third year of the reign of Queen Victoria, chapter
10 twenty-five, shall be and the same is repealed.

2. *From and after the passing of this Act* it shall be lawful for Relief of
the board of guardians of any union in Ireland to provide for the orphans, &c.
relief of any orphan or deserted child out of the workhouse, if they
shall think fit to do so, by placing such child out at nurse according
15 to their discretion: Provided that no child shall be placed out
with any person who does not profess the same religion as that in
which the child has been registered, and that no child shall continue
to be so relieved after the age of thirteen years.

3. Nothing in this Act shall be held to re-enact the ninth section Saving.
20 of the Act of the twenty-fifth and twenty-sixth year of the reign of
Queen Victoria, chapter eighty-three.

Orphan and Deserted Children (Ireland).

A

BILL

To extend the Limits of Age up to which, with the assent of Boards of Guardians, orphan and deserted pauper Children may be supported out of Workhouses in Ireland.

*(Prepared and brought in by
Mr. O'Shaughnessy, Mr. Reilly, Mr. Bruen, and
Mr. Redmond.)*

*Ordered, by The House of Commons, to be Printed,
9 February 1876.*

[Bill 32.]

Under 1 oz.

A

B I L L

INTITULED

An Act to confirm an Order made by the Board of Trade A.D. 1876.
under The Sea Fisheries Act, 1868, relating to Truro.

WHEREAS an Order made by the Board of Trade under The 31 & 32 Vict.
Sea Fisheries Act, 1868, is not of any validity or force c. 45.
whatever until the confirmation thereof by Act of Parliament :

And whereas it is expedient that the Order made by the Board
5 of Trade under the said Act, and set out in the schedule to this Act,
be confirmed by Act of Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled, and
10 by the authority of the same, as follows :

1. The Order set out in the schedule to this Act shall be and the
same is hereby confirmed, and all the provisions thereof in manner
and form as they are set out in the said schedule shall, from and
after the passing of this Act, have full validity and force. Confirma-
tion of
Order in
schedule.

15 2. This Act may be cited as The Oyster and Mussel Fisheries Short title.
Order Confirmation Act, 1876.

A.D. 1876.

SCHEDULE.

Truro.

TRURO.

Order for the Regulation by the Corporation of the Borough of Truro of an Oyster and Mussel Fishery in part of the Truro River, in the County of Cornwall. 5

Undertakers. 1. The mayor, aldermen, and burgesses of the borough of Truro, acting by their council (in this Order called "the Corporation") shall be the Undertakers of this Order.

Limits of fishery.

2. The following are the description and limits of the fishery comprised in this Order (as shown on plans deposited at the Board of Trade); namely, 10
All those parts of the bed of Truro River, containing an area of 1,743 acres or thereabouts, bounded as follows; (that is to say,) on the south and east, by the line of ordinary low-water mark from the point known as Victoria Point, in the parish of Saint Clement, in the said county of Cornwall, to a point called Messick Point, in the parish of Saint Just 15
in Roseland, in the same county, such boundary being adjacent to the several parishes of Saint Clement, Merther, Saint Michael Penkivel, Lamorran, Ruanlanihorne, Philleigh, and Saint Just in Roseland, respectively in the same county; on the south, by an imaginary line drawn from the said point called Messick Point to a certain other point called 20
Tarra Point, in the parish of Mylor, in the said county; on the west, by the line of ordinary low-water mark from the said point known as Tarra Point to a point called Sunset, in the parish of Kea, in the same county, such last-mentioned boundary being adjacent to the several parishes of Mylor, Feock, Perranarworthal, and Kea, respectively, in the same 25
county; and on the north, by an imaginary line drawn from the said point called Sunset to the said point called Victoria Point.

Dredging for oysters or mussels during the months of May, June, July, and August prohibited.

Power to close portions of fishery.

3. Subject to the provisions contained in Article 11 of this Order, no person shall dredge or fish for, or take oysters or mussels within the said fishery during the months of May, June, July, and August in any year. 30

4. The Corporation may from time to time make byelaws for closing any portion or portions of the said fishery, so far as relates to the fishing for oysters or mussels, for such periods as they may deem necessary, but subject to the conditions following:

(1.) After the first twelve months, during which time it is proposed that 35
the fishery shall be altogether closed, that no portion shall be closed for a longer continuous period than two years:

(2.) No greater extent in the whole than one third of the oyster beds and one third of the mussel beds respectively shall be closed at any one time, except that during the second and third years after the passing of the Act confirming this Order one half of the oyster beds and one

5 half of the mussel beds respectively may be closed :

(3.) One month's previous notice at least of the portion or portions to be closed shall be given by an advertisement in the London Shipping and Mercantile Gazette, and in some local newspaper, and by affixing such notice on the Town Hall at Truro, and in some conspicuous

10

(4.) A certificate in writing signed by a secretary or by an assistant secretary of the Board of Trade, stating whether any portion, or portions is or are, or is not or are not, or have been or have not been duly

15

Subject to the provisions contained in Article 11 of this Order, no person shall dredge, fish for, or take any oysters or mussels within the said fishery in contravention of any byelaw of the Corporation whereof notice has been

20 given as aforesaid.

5. The Corporation, with the approval of the Board of Trade, may make byelaws and regulations for regulating the fishery generally in terms not inconsistent with this Order. Such byelaws and regulations shall be revised from time to time when and as required by the Board of Trade, and any byelaw or regulation not so revised may at any time be cancelled by the Board of

25

6. No person shall dredge, fish for, or take oysters or mussels within the said fishery in any boat not licensed in that behalf by the Corporation. Licenses in that behalf shall be granted by the Corporation to any person applying for the same on his paying the tolls in this Order specified, and every such license shall include both oyster fishing and mussel fishing.

30

7. The office for granting licenses shall be the office (for the time being) of the town clerk of the borough of Truro, who shall be entitled to a fee of two shillings and sixpence for preparing and issuing every such license.

8. There shall be paid in respect of such licenses, and before they are granted, the following tolls :

35

	s.	d.
For a license for one season (being a period of eight months),		
For every registered ton the licensed boat is capable of		
40 carrying - - - - -	3	0
And for every dredge used in such boat - - - - -	10	0
For a license to fish for three months,		
For every registered ton the licensed boat is capable of		
45 carrying - - - - -	1	0
And for every dredge used in such boat - - - - -	10	0
[196.] A 2		

A.D. 1876.
Truro.

Dredging within enclosed portions prohibited.

Power to make byelaws with approval of Board of Trade.

Dredging boats to be licensed.

Office for granting licenses.

Tolls and fees payable on licenses.

4 *Oyster and Mussel Fisheries Order Confirmation.* [39 VICT.]

A.D. 1876. Provided that every license for a smack shall include the use of one row boat, such row boat to be used when fishing only by the regular crew of the smack, and fishing shall not be carried on by the crew of the row boat and smack independently at the same time.

Truro.

Where a license has been lost or accidentally destroyed, a new license by way of substitution may be issued on the payment of a fee of one shilling.

The person in charge of any boat (not being a row boat belonging to a smack) fishing within the limits of the fishery shall, when required by any water bailiff, produce the license of such boat, or else desist from fishing until the same is produced.

10.

Taking of small mussels and oysters prohibited.

9. Save as in this Order expressly provided, and subject to the provisions contained in Article 11 of this Order, no person shall at any time remove from the said fishery, or from one portion of the fishing grounds to another, any mussels of less size than two inches in length, or any oysters which will pass through a circular ring of such diameter as the Corporation shall from time to time direct: Provided always, that no such ring shall be of less diameter than two inches measured in the inside or of greater diameter than two and a half inches measured in the inside.

15.

Power reserved to remove brood of mussels and oysters.

10. For the purpose only of better cultivating the fishery, the Corporation, or any person or persons duly authorised by them, may remove any brood of mussels and any spat or small sized oysters from one portion of the fishery to another, at such times as the Corporation may direct.

20.

Power reserved to cancel or vary prohibitions.

11. The Board of Trade may from time to time, by a certificate under the hand of one of their secretaries or assistant secretaries, repeal, alter, or vary the prohibition contained in Articles 3, 4, and 9 of this Order.

25.

Power to appoint water bailiff.

12. The Corporation may from time to time appoint, suspend, or remove, and again appoint a water bailiff or bailiffs to enforce the provisions of this Order, and the byelaws and regulations made under this Order, and generally to regulate the fishery.

Every such water bailiff shall have and may exercise the powers and authorities of a constable for regulating and protecting the fishery, and shall also have the following powers; that is to say, he may enter any smack, fishing boat, or row boat within the limits of the fishery, he may examine the catches, dredges, nets, and fishing implements and gear of any such boat, he may seize oysters or mussels illegally taken within the limits of the fishery, and he may do all other lawful acts for giving effect to the provisions of this Order and the byelaws and regulations made under this Order.

30.

35.

Any person considered by a water bailiff to have offended against any such provisions, byelaws, or regulations shall, when required by such water bailiff, state correctly his christian name, surname, and place of abode.

40.

Any person refusing or omitting, when required, to state correctly his name and place of abode, or wilfully continuing to offend after having been required by a water bailiff to desist, may be apprehended by any water bailiff, or any person acting by order of a water bailiff, and conveyed before a justice of the peace to be dealt with according to law. Any person resisting, obstructing, or assaulting a water bailiff in performance of his duty may be apprehended

45.

and conveyed before a justice of the peace, and upon conviction shall be liable to a penalty not exceeding ten pounds, in addition to any other penalty or punishment incidental to his offence. No person apprehended under this section of this Order shall be detained in custody more than 24 hours without
5 being brought before a justice, but at the expiration of that time, if not previously brought before a justice, shall, on correctly stating his name and place of abode, be discharged, without prejudice to further proceedings by summons or warrant.

13. The whole of the money received by the Corporation from licenses,
10 tolls, fees, or otherwise, under this Order, shall, after the repayment to the borough fund of all expenses incurred in and incidental to the obtaining of this Order, be applied to the maintenance and improvement of the fishery in accordance with these regulations, under the powers and provisions of "The Sea Fisheries Act, 1868," or in repayment to the Corporation of such sums as
15 they may expend in putting or endeavouring to put the fishery into a more profitable state.

Tolls and fees to be applied in maintaining and improving the fishery or in repayment of advances by the Corporation.

14. The limits of the said fishery shall be marked out in manner described in Article 2 of this Order, or in such other manner as the Board of Trade may from time to time direct.

Marking of limits.

20 15. No buildings, erections, embankments, or other works shall at any time be commenced or executed within the limits above described without the previous sanction and approval in writing of the Board of Trade.

Works not to be commenced without sanction of Board of Trade.

16. The Corporation shall render annually to the Board of Trade on the 31st day of August in every year accounts of their expenditure and
25 income under this Order, and all other information required by the Board of Trade with reference to the subject of this Order, in such form as the Board of Trade may from time to time require, and shall allow the Board of Trade, or any person appointed by the Board of Trade, to inspect the fishery, and all books, accounts, and other documents in the possession of the Corporation
30 relative to the fishery, and shall give to such board or person all such information relating thereto as he or they may require.

Undertakers to give accounts of expenditure and income, and other information.

17. The Board of Trade may at any time make a grant or grants of a several oyster and mussel fishery of any ground within the limits comprised within this Order, and all the powers and provisions contained in this Order shall be
35 subject to the power of the Board of Trade to make such grant, and to any alterations which may be consequent on such grant or on any order made in pursuance of such grant.

Power to grant several oyster and mussel fishery within the prescribed limits reserved.

18. This Order shall continue in operation for sixty years from its confirmation by Act of Parliament, and no longer.

Duration of Order.

40 19. The Board of Trade may, under the 39th section of "The Sea Fisheries Act, 1868," from time to time, or at any time, make an Order or Orders repealing, amending, altering, or adding to all or any of the provisions of this Order.

Power of Board of Trade to repeal or amend Order.

20. The Corporation may, but not without the consent of the Board of Trade, from time to time revise the tolls leviable under this Order, either by
45 increasing or diminishing the amount thereof, or by varying the mode and times

Power to revise tolls with consent of Board of Trade.

6 *Oyster and Mussel Fisheries Order Confirmation.* [39 VICT.]

A.D. 1876. in and for which the same are levied or otherwise; provided that public notice
 of such revised tolls shall be given, either by advertisement or otherwise, in
 Truro. such manner as the Board of Trade shall direct.

Saving rights 21. This Order shall not be taken as a consent to the surrender of any rights,
under "The interest, powers, authorities, or privileges transferred to the management of the 5
Crown Lands Board of Trade by "The Crown Lands Act, 1866."
Act, 1866."

Short title. 22. This Order may be cited as "The Truro Port Fishery Order, 1876."

**Oyster and Mussel
Fisheries Order Confir-
mation. [H.L.]**

A

B I L L

INTRODUCED

An Act to confirm an Order made by the
Board of Trade under The Sea Fisheries
Act, 1868, relating to Truro.

(Brought from the Lords, 15 June 1876.)

*Ordered, by The House of Commons, to be Printed,
15 June 1876.*

[Bill 196.]

Under 1 oz.

A
B I L L

FOR

The better Protection of the Oyster Fisheries.

A.D. 1876.

WHEREAS the oyster fisheries have of late years been greatly injured, and for the purpose of increasing the supply of oysters it is expedient to amend the law relating to oyster fisheries:

5 Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same:

1. The word "oyster" shall for all the purposes of this Act be deemed to include oyster spat and oyster brood. Interpretation clause.

2. No person shall sell, or expose for sale, or have in his possession for sale, any oysters between the *first day of May* and the *thirty-first day of August, both days inclusive*; and any person selling, or exposing for sale, or having in his possession for sale, any oysters during the said time shall, on being convicted of any such offence before any justice or justices of the peace in England and Wales, or before the sheriff or any justice of the peace in Scotland, be liable to a penalty not exceeding *ten pounds* for each offence. Close time for the sale of oysters to be during the months of May, June, July, and August.
Penalty.

3. All offences mentioned in this Act, which shall be committed within the jurisdiction of the Admiralty, shall be deemed to be offences of the same nature, and liable to the same punishments, as if they had been committed upon any land in the United Kingdom, and may be dealt with, inquired of, tried, and determined in any county or place in the United Kingdom in which the offences shall have been committed in the same manner in all respects as if they had been actually committed in that county or place; and in any information or conviction for any such offence the offence may be averred to have been committed "on the high seas;" and in Scotland any offence committed against this Act on

[Bill 65.]

A.D. 1876. — the sea coast, or at sea beyond the ordinary jurisdiction of any sheriff or justice of the peace, shall be held to have been committed in any county abutting on such sea coast or adjoining such sea, and may be tried and punished accordingly.

Commence-
ment of Act.

4. This Act shall commence on the *first day of August one 5 thousand eight hundred and seventy-six*, and may be cited as the Oyster Fisheries Act, 1876.

5. This Act shall not apply to Ireland.

Oyster Fisheries.

A

B I L L

For the better Protection of the Oyster
Fisheries.

(Prepared and brought in by
Mr. Waddy, Mr. Muntz, Sir C. Legard, and
Sir C. Russell.)

Ordered, by The House of Commons, to be Printed,
11 February 1876.

[Bill 65.]

Under 1 oz.

A

B I L L

TO

Remove the Exemption of Parish Ministers in Scotland from A.D. 1876.
payment of Poor Rates and Education Rates. —

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 1. *On and after Whitsunday one thousand eight hundred and seventy-six* clergymen of the Established Church in Scotland shall be assessed for poors rate and school rate in respect of their manse and glebes. Clergymen to be assessed to rates.

Parish Ministers
(Scotland) Exemption
from Rates.

A

B I L L

To remove the Exemption of Parish
Ministers in Scotland from payment
of Poor Rates and Education Rates.

(Prepared and brought in by
Mr. James Barclay, Mr. Baxter, Mr. M'Laren,
and Dr. Cameron.)

Ordered, by The House of Commons, to be Printed,
9 February 1876.

[Bill 37.]

Under 1 oz.

Parliamentary and Municipal Registration (Boroughs) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title.
2. Application of Act.
3. Regulations respecting registration in municipal boroughs under this Act.
4. Notices by overseers of rates in arrear.
5. Persons whose names are omitted from the list or inserted in the wrong division or by wrong qualification to give notice, and list of such persons to be made.
6. Persons named in lists and claimants may inspect rate books.
7. Persons named in list may object to others.
8. List to be made of persons objected to.
9. Overseers to deliver copies of lists to town clerk.
10. Publication of lists, &c.
11. Revision by revising barrister.
12. Divisions one and two of revised lists to be used for parliamentary register.
13. Divisions one and three of revised list to be used for municipal register.
14. Copying and printing revised lists.
15. Correction of municipal register in pursuance of order on appeal.
16. List of persons entitled to be elected councillors or aldermen.
17. Burgess lists and rolls.
18. Expenses.
19. Commencement of Act.
20. Interpretation.
21. Act to be construed with Registration Acts.
22. Act not to extend to Scotland or Ireland.

A

B I L L

TO

Constitute one Register of Persons entitled to the Parliamentary and Municipal Franchise, and otherwise to amend the Law relating to Parliamentary and Municipal Registration in certain Boroughs.

A.D. 1876.

WHEREAS it is expedient to constitute so far as practicable one register of persons entitled to the parliamentary and municipal franchise, and otherwise to amend the law relating to parliamentary and municipal registration in certain boroughs :

5 Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as the Borough Registration Act, 1876. Short title.

2. This Act shall apply to the case of every municipal borough which is co-extensive with a parliamentary borough, or which is included in a parliamentary borough, or of which a part is so included. Application of Act.

15 3. The following regulations shall be observed with respect to the registration of voters in each municipal borough under this Act; that is to say, Regulations respecting registration in municipal boroughs under this Act.

(1.) The overseers of every parish or township situate wholly or partly in such municipal borough shall, in lieu of the list which they are by the Registration Acts required to make out or cause to be made out of all persons entitled to vote for a member or members for the parliamentary borough with which such municipal borough is co-extensive or in which the whole or part of such municipal borough is included, in respect of the occupation of premises situate wholly or partly within such parish or township, and being rated for the same to the rates for the relief of the poor,

[Bill 108.]

A

2 *Parliamentary and Municipal Registration (Boroughs)*. [39 VICT.]

A.D. 1876.

make out or cause to be made out a list of all such persons and all persons entitled to be registered as municipal voters for such municipal borough under the provisions of the Municipal Corporation Acts in respect of property situate wholly or partly within such parish or township :

- (2.) Such list of voters shall be framed in three divisions, as follows :

Division one shall comprise the names of all persons entitled to vote for a member or members for the parliamentary borough in respect of the occupation of premises situate wholly or partly within such parish or township, and being rated for the same to the rates for the relief of the poor, and at the same time entitled to be registered as municipal voters for such municipal borough in respect of property situate wholly or partly within such parish or township :

Division two shall comprise the names of all persons entitled to vote for a member or members for the parliamentary borough in respect of the occupation of premises as aforesaid, but not entitled to be registered as such municipal voters as aforesaid :

Division three shall comprise the names of all persons entitled to be registered as municipal voters in respect of property situate wholly or partly within such parish or township, but not entitled to vote for a member or members for the parliamentary borough in respect of the occupation of premises as aforesaid :

- (3.) Such list shall be according to the form numbered three in the Schedule to this Act :

The names in each division of the list shall be arranged alphabetically according to surnames, and as to division one without duplication of names :

In each division the christian name and surname of every person inserted shall be written at full length, together with the place of his abode and the nature of his qualification, and the name of the street, lane, or place, and the number of the house, if any, or other description of the situation of the premises or property conferring the qualification :

- (4.) Such list shall be styled the list of parliamentary and municipal voters (rated occupiers) for the parish or township to which it relates, and so much of section thirteen of the

Parliamentary Electors Registration Act, 1843, as relates to the signing of the lists of voters, and to the making, publishing, and keeping for inspection copies thereof, and to the delivery of copies thereof to persons requiring the same, shall apply to every such list of parliamentary and municipal voters : A.D. 1876.

- 5 (5.) For the purpose of preparing such lists, the town clerk of each municipal borough under this Act shall, in the case of overseers of a parish or township situate wholly or partly within such municipal borough, in lieu of causing to be printed and delivered to the overseers forms of precepts, notices, and lists, according to the forms numbered one, two, three, six, eight, ten, eleven, and twelve, in Schedule B. to the Parliamentary Electors Registration Act, 1843, under the directions contained in section ten of that Act, cause to be printed and delivered to the overseers in the same manner precepts, notices, and lists, according to the forms numbered one, two, three, four, five, six, seven, and eight in the Schedule to this Act :
- 10 (6.) Where part only of any parish or township is situate in any municipal borough, polling district, or ward, every such part shall, for the purpose of the making out of lists under this Act, be deemed a separate parish or township :
- 15 (7.) Any list may comprise more than one parish or township. The lists may be framed according to convenience for use in parts for polling districts or wards, and, where the polling districts or wards are not conterminous, in such parts as that the same may be conveniently compiled or put together to serve either as lists for polling districts or as ward lists.
- 20 25 30

4. The overseers of every parish or township situate wholly or partly in a municipal borough under this Act shall, on or before the twentieth day of June in every year, publish a notice in writing according to the form numbered two in the schedule to this Act in lieu of the form numbered two in Schedule B. to the Parliamentary Electors Registration Act, 1843.

35

Notices
by overseers
of rates in
arrear.

Where any poor rate due on the *fifth day of January* in any year from an occupier in respect of premises entitling the occupier thereof to be registered as a municipal voter for a municipal borough under this Act, remains unpaid on the *first day of June* following, the overseers whose duty it may be to collect such rate shall, on or before the *twentieth* of the same month of June, unless

40

4 *Parliamentary and Municipal Registration (Boroughs)*. [39 VICT.]

A.D. 1876. such rate has previously been paid, or has been duly demanded by a demand note to be served in like manner as the notice in this section referred to, give or cause to be given a notice in the form numbered nine set forth in the Schedule to this Act to every such occupier. The notice shall be deemed to be duly given if delivered 5 to the occupier, or left at his last or usual place of abode, or with some person on the premises in respect of which the rate is payable. Any overseer who shall wilfully withhold such notice with intent to keep such occupier off the register of municipal voters for the said municipal borough, shall be deemed guilty of a breach of duty 10 in the execution of the Registration Acts.

Persons whose names are omitted from the list or inserted in the wrong division or by wrong qualification to give notice, and list of such persons to be made.

5. Every person whose name shall have been omitted in any such list of parliamentary and municipal voters, and who shall claim as having been entitled on the *last day of July* then next preceding to have his name inserted in such list; and every person whose name 15 shall have been inserted in such list and who shall claim as having been entitled on the *last day of July* then next preceding to have his name transposed from any division to another division of such list; and every person whose name shall have been so inserted in such list and who shall be desirous of being registered for a different 20 qualification than that for which his name appears in such list, shall, on or before the *twenty-fifth day of August*, in that year, give or cause to be given a notice according to the form numbered four in the Schedule to this Act or to the like effect to the overseers of that parish or township in the list whereof he shall claim to have his 25 name inserted or transposed or the description of his qualification altered, and the overseers shall include the names of all persons so claiming as aforesaid in a list, according to the form numbered five in the said Schedule.

Persons named in list and claimants may inspect rate books.

6. It shall be lawful for any person whose name shall have been 30 inserted in any list of parliamentary and municipal voters for any municipal borough under this Act, or for any person who shall have claimed to have his name inserted in any such list, upon request made by such person at any time between the hours of *ten* of the clock in the forenoon and *four* of the clock in the afternoon of any 35 day except Sunday, between the *tenth day of August* and the *last day of August*, to any overseer or other officer having the custody of any poor rate book, to inspect such poor rate book, and make extracts therefrom for any purpose relating to any claim or objection made or intended to be made by or against such person, and every 40 such overseer or other officer as aforesaid is hereby required, upon such request as aforesaid, to permit such inspection and the making of such extracts without payment of any fee.

A.D. 1876.

Persons
named in list
may object
to others.

7. Every person whose name shall have been inserted in any list of parliamentary and municipal voters for any municipal borough under this Act as a parliamentary voter, may object to any other person whose name may appear on any such list, for the same
5 borough as a parliamentary voter, on the ground of the person so objected to not having been entitled on the last day of July next preceding to have his name so inserted; and every person whose name shall have been inserted in any list of parliamentary and municipal voters for any municipal borough under this Act as a
10 municipal voter may object to any other person whose name may appear on any such list for the same borough as a municipal voter, on the ground of the person so objected to not having been entitled on the last day of July next preceding to have his name so inserted; and every person so objecting shall, on or before the
15 twenty-fifth day of August in that year, give or cause to be given a notice according to the form numbered six in the Schedule to this Act or to the like effect to the overseers who shall have made out the list in which the name of the person so objected to shall have been inserted, and every person so objecting shall also give or cause
20 to be left at the place of abode of the person objected to as stated in the said list a notice according to the form numbered seven in the said Schedule, and every notice of objection shall be signed by the person objecting.

The right of objection under this section shall, as regards parliamentary voters, be in addition to any right of objection under the
25 Registration Acts.

8. The said overseers shall include the names of all persons so objected to in a list according to the form numbered eight in the Schedule to this Act, and the said overseers shall sign each of the
30 said lists of persons objected to and of claimants as aforesaid, and cause copies thereof to be written or printed, and shall publish the said list of persons objected to and the said list of claimants as aforesaid on or before the first day of September in the said year, and shall keep copies of such lists, and shall allow the
35 same and also the notices of objection which they shall have received to be perused by any person without payment of any fee at any time between *ten* of the clock in the forenoon and *four* of the clock in the afternoon of any day except Sunday, during the *first fourteen days of September* in the said year, and shall deliver
40 copies of each of such lists to any person requiring the same on payment of a price for each copy after the rate specified in the table numbered one in the Schedule D. to the Parliamentary Electors Registration Act, 1843.

List to be
made of persons
objected
to.

6 *Parliamentary and Municipal Registration (Boroughs).* [39 VICT.]

A.D. 1876.

Overseers to
deliver copies
of lists to
town clerk.

9. The overseers shall, on or before the *twenty-ninth day of August* in every year, deliver to the town clerk of such municipal borough a copy of the lists of parliamentary and municipal voters (rated occupiers) made out by them as aforesaid, and a copy of the said list of persons who shall have claimed as aforesaid, and a copy 5 of the said list of persons objected to as aforesaid.

Publication
of lists, &c.

10. The provisions contained in sections twenty-three, twenty-four, twenty-five, twenty-six, and twenty-seven of the Parliamentary Electors Registration Act, 1843, relating to the publication of lists of voters and otherwise shall apply to the lists of parliamentary 10 and municipal voters (rated occupiers) under this Act.

Revision by
revising barrister.

11. Every list of parliamentary and municipal voters (rated occupiers) for a municipal borough under this Act shall be revised by the revising barrister for the time being authorised under the Registration Acts to revise the list of voters for the parliamentary 15 borough with which such municipal borough is co-extensive, or in which the whole or part of such municipal borough is included, in the manner and subject to all the powers, provisions, and rights of appeal prescribed by the Registration Acts for the revision of the lists of voters in such parliamentary borough, with the following 20 modifications; that is to say,

(1.) Such revising barrister shall insert in the proper division of such list of parliamentary and municipal voters the name of every person omitted who shall be proved to the satisfaction of such barrister to have given due notice of his claim to 25 be inserted in such division, and to have been entitled on the *last day of July* then next preceding to have his name inserted therein in respect of the qualification described in such notice of claim, and shall transpose from any division of such list to any other division of such list the name 30 of every person inserted in such list who shall be proved to the satisfaction of such barrister to have given due notice of his claim to have his name so transposed, and to have been entitled on the *last day of July* then next preceding to have his name so transposed in respect of the qualification 35 described in such notice of claim :

(2.) The right given by section thirty-nine of the Parliamentary Electors Registration Act, 1843, to oppose the claim of any person claiming to have his name inserted in any list of voters shall apply to every claim for insertion on any 40 list of parliamentary and municipal voters under this Act, and shall be extended to the claim of any person claiming

A.D. 1876.

to have his name transposed on any such list, and shall, as regards opposition to a claim in respect of a parliamentary vote, be exercisable by any person on any list of voters as a parliamentary voter for the parliamentary borough, and as regards opposition to a claim in respect of a municipal vote be exercisable by any person on any list as a municipal voter for the municipal borough:

(3.) The last day for holding the court of revision for the revision of any list of parliamentary and municipal voters under this Act, shall be the fifteenth of October:

(4.) Every revised list of parliamentary and municipal voters under this Act shall be forthwith signed by the revising barrister, and delivered by him to the town clerk of the municipal borough to which it relates, who shall keep the same.

12. Divisions one and two of the revised lists of parliamentary and municipal voters (rated occupiers) for a municipal borough under this Act shall, when signed by the revising barrister as aforesaid, be deemed and be the revised lists under the Registration Acts of persons entitled to vote for a member or members of Parliament for the parliamentary borough with which such municipal borough is co-extensive, or in which the whole or part of such municipal borough is included, in respect of the occupation of premises situate wholly or partly within such municipal borough, and being rated for the same to the rates for the relief of the poor, and the said divisions one and two shall be used and dealt with, and take effect accordingly.

Divisions one and two of revised lists to be used for parliamentary register.

13. Divisions one and three of the revised lists of parliamentary and municipal voters (rated occupiers), for a municipal borough under this Act shall, when signed by the revising barrister as aforesaid, be deemed and be the revised burgess lists under the Municipal Corporation Acts, of persons entitled to be enrolled as burgesses of such municipal borough in respect of property situate wholly or partly within such municipal borough, and the said divisions one and three shall be used and dealt with, and take effect accordingly.

Divisions one and three of revised list to be used for municipal register.

14. In copying and printing divisions one and two under the Registration Acts and divisions one and three under the Municipal Corporation Acts of the said revised lists, the two divisions in each set may be kept separate, and may be arranged according to convenience for use in parts for polling districts or wards, and, where the polling districts or wards are not conterminous, in such parts as that the same may be conveniently compiled or put together to

Copying and printing revised lists.

8 *Parliamentary and Municipal Registration (Boroughs).* [39 VICT.]

A.D. 1876. — serve either as lists for polling districts or as ward lists; and the names may be distinguished by a number alone or in combination with a letter or other distinguishing mark according to the parts, and any arrangement may be adopted according to convenience so that one edition or print of division one may be available for both 5 sets.

Correction of municipal register in pursuance of order on appeal. 15. The provisions of the Registration Acts as to the alteration or correction of the register in pursuance of any judgment or order of the court of appeal shall apply to the alteration or correction of the burgess roll of a municipal borough under this Act, except 10 that the notice of the judgment or order shall be given to the town clerk having the custody of the burgess roll, and the alteration or correction shall be made by him.

List of persons entitled to be elected councillors or aldermen. 16. In every municipal borough under this Act the separate lists of persons not entitled to a municipal vote, but entitled to be 15 elected a councillor or alderman of such borough, required to be made out and published in such borough in every year under the Municipal Corporation Acts, shall be made out and published at the same time and in the same manner and with the same provisions as to objections and claims, and be revised in the same 20 manner as the lists of parliamentary and municipal voters (rated occupiers), and when so revised shall be delivered to the town clerk and copied as a separate list at the end of the burgess roll for such municipal borough.

Burgess lists and rolls. 17. From and after the commencement of this Act none of the 25 provisions in the Municipal Corporations Acts contained for the preparation and revision of burgess lists shall take effect in any municipal borough under this Act, but nothing in this Act shall affect any existing burgess roll.

Expenses. 18. One half of the expenses properly incurred in carrying into 30 effect the provisions of this Act by the town clerk of a municipal borough, and by the overseers of parishes or townships situate wholly or partly within such borough, shall be defrayed in the manner prescribed by the Registration Acts as expenses incurred thereunder, and the remaining half of such expenses shall be 35 defrayed in the manner prescribed by the Municipal Corporations Acts as expenses incurred thereunder.

Commencement of Act. 19. This Act shall commence upon *the passing thereof*, and nothing done in pursuance thereof shall be affected by reason that the notices required by section four of this Act to be pub- 40 lished and given have not been published or given for the year *one thousand eight hundred and seventy-six*.

20. In this Act,—

A.D. 1876.

The expression “Municipal Corporations Acts” shall mean the Act of the session of the fifth and sixth years of King William the Fourth, chapter seventy-six, intituled “An Act to provide
5 “for the regulation of Municipal Corporations in England
“and Wales,” and the Acts amending the same :

Interpreta-
tion.

The expression “The Parliamentary Electors Registration Act, 1843,” shall mean the Act of the session of the sixth and seventh years of the reign of Her Majesty, chapter eighteen,
10 intituled “An Act to amend the Law for the Registration of
“Persons entitled to Vote, and to define certain rights of
“Voting, and to regulate certain Proceedings in the Election
“of Members to serve in Parliament for England and Wales :”

The expression “Registration Acts” shall mean the Parliamen-
15 tary Electors Registration Act, 1843, and any Acts or parts of
Acts relating to the registration of persons entitled to vote at
and proceedings in the election of members to serve in Parlia-
ment for England and Wales :

The expression “parliamentary borough” shall mean any
20 borough, city, county of city, county of a town, place, or com-
bination of places, returning a member or members to serve
in Parliament, and not being a county at large, or riding, part,
or division of a county at large :

The expression “municipal borough” shall mean any place for
25 the time being subject to the Municipal Corporation Acts :

The expression “municipal voter” shall mean a person duly
enrolled on the burgess roll of a municipal borough within the
meaning of the Municipal Corporation Acts and entitled to
vote at the election of any person to serve the office of coun-
30 cillor, auditor, or assessor of such municipal borough, or of
councillor for a ward of such municipal borough, and ex-
pressions referring to the registration of municipal voters shall
refer to the enrolment of burgesses on the burgess roll within
the meaning of the Municipal Corporation Acts.

35 The other terms used in this Act shall, so far as is consistent with
the context, have the same meaning as in the Registration Acts.

21. This Act, so far as is consistent with the tenor thereof, shall
be construed as one with the Registration Acts.

Act to be
construed
with Regis-
tration Acts.

22. This Act shall not extend to Scotland or Ireland.

Act not to
extend to
Scotland or
Ireland.

A.D. 1876.

The SCHEDULE.

FORM No. 1.

PRECEPT OF THE TOWN CLERK TO THE OVERSEERS.

Parliamentary Borough } To the overseers of the poor of the parish of
of } [or, to the overseers of the poor
Municipal Borough of } of the township of
to wit. }

IN pursuance of the Borough Registration Act, 1876, I require your attention to the following :

Instructions.

On or before the twentieth day of June you are to publish a notice signed by you, according to the form marked number two among the printed forms herewith sent. 10

The manner in which you are required to publish that notice is as follows ; (that is to say,) you are required to fix one of the printed copies (each copy being first signed by you) on or near the outside of the outer door or of the outer wall near the door of every church and public chapel in your parish [or township], including chapels which do not belong to the Established Church, or if there should be no such church or chapel, then in some public and conspicuous situation in your parish [or township], and it must remain there during a period including two Sundays at least. 20

On or before the last day of July you are to make out, according to the form marked number three among the printed forms herewith sent, a list in three divisions, each alphabetically arranged, of all persons who may be entitled to vote in the election of a member [or members] to serve in Parliament for this parliamentary borough, in respect of the occupation of premises situate wholly or partly within your parish or township, and being rated for the same to the rates for the relief of the poor, and who may be entitled to be registered as municipal voters for this municipal borough in respect of the occupation of premises situate wholly or partly within your parish or township, of which divisions, division one shall comprise voters both parliamentary and municipal ; division two, voters parliamentary only ; and division three, voters municipal only ; and such other alphabetical list or lists as required under the Registration Acts to be made by you of all other persons (except freemen) who may be entitled to vote in the election of a member [or members] to serve in Parliament for this parliamentary borough 35

by virtue of any other right whatsoever; and in making out each of the said lists you must write or cause to be written the christian name and surname of every such person at full length, together with the place of his abode, and the nature of his qualification, and
5 when the qualification of any person shall be in respect of any property, you must state the name of the street, lane, and number of the house, if any, or other description of the place where such property may be situate.

And on or before the first day of August you are to publish
10 written or printed copies of the said lists signed by you on every church or chapel in your parish [*or township*], in the same manner as before mentioned with regard to the notice.

You are to keep also a copy of such lists signed by you to be perused by any person, without payment of any fee, at any time
15 between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day except Sunday during the first fourteen days after the said lists shall have been published.

You are to make out a list according to the form numbered five, containing the name of every person who shall have given or have
20 caused to be given to you or any one of you, on or before the twenty-fifth day of August, his claim to have his name inserted or transposed in any list of your parish [*or township*], and also another list according to the form numbered eight, containing the name of every person against whom a notice of objection shall have been
25 given to you or any one of you, on or before the twenty-fifth day of August, as not being entitled to have his name retained in any list or in a division of any list for your parish or township; and on or before the first day of September you are to sign and publish each of such lists on every church or chapel in your parish
30 [*or township*] in the same manner as before mentioned with regard to the notice.

You are to keep a copy of these lists signed by you, and you are to allow the same and also the notices of objection to be perused by any person without payment of any fee, at any time
35 between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day except Sunday during the first fourteen days of September, both inclusive, and you are to deliver a copy of each of such lists to any person requiring the same, on the payment of a price for each copy after the rate contained in
40 the table numbered one in Schedule (D.) to the Act of the sixth year of Her present Majesty, chapter eighteen.

If you shall find any such notice, list, register, or other document published by you as aforesaid, to be destroyed, mutilated, effaced, or
[108.] C

12 *Parliamentary and Municipal Registration (Boroughs)*. [39 VICT.]

A.D. 1876. removed, you are forthwith to place another in its room to the same effect.

On or before the twenty-ninth day of August you are to deliver to me a copy of the list of voters, a copy of the list of claimants, and a copy of the list of persons objected to, so respectively made 5 out and signed by you as aforesaid.

You are to attend the court to be holden for the revision of the list of voters for this parliamentary borough and municipal borough, of the time of holding which notice will be given; and at the opening of such court you are there to deliver to the barrister before 10 whom the same shall be holden the several lists made out by you and signed by you, and the original notices of objection and the original notice of claims given to you.

Herein if you fail you will be liable to the penalties in that case provided. 15

Given under my hand this day of one thousand eight hundred

(Signed) *A.B.*,

Town Clerk for the said Municipal Borough.

No. 2.

20

Parliamentary Borough } We hereby give notice that no person will
of } be entitled to have his name inserted in any
Municipal Borough of } list of voters for the parliamentary borough
to wit } and the municipal borough of
of } now about to be made in respect of the 25
occupation of premises situate wholly or partly within this parish or township, and being rated for the same to the rates for the relief of the poor, unless he shall have paid on or before the twentieth day of July all the poor rates which have become due from him in respect of such premises up to the fifth day of January 30 last past; and all persons who omit to make such payment will be incapable of being upon the next register of parliamentary voters for the parliamentary borough of , or upon the next register of municipal voters for the municipal borough of .

Dated this day of 35

(Signed) *A.B.* }
 C.D. } Overseers of
 E.F. }

No. 3.

A.D. 1876.

THE LIST OF PARLIAMENTARY AND MUNICIPAL VOTERS (RATED OCCUPIERS) for the parliamentary borough of _____, and the municipal borough of _____ entitled to vote in respect of the occupation of premises situate wholly or partly within the parish [or township] of _____, and being rated for the same to the rates for the relief of the poor.

Division One.—Voters, both Parliamentary and Municipal.

10	Christian Name and Surname of each Voter at full length.	Place of Abode.	Nature of Qualification.	Street, lane, or other place in this Parish [or Township] where the property is situate, and number of the house, if any.

Division Two.—Voters, Parliamentary only.

15	Christian Name and Surname of each Voter at full length.	Place of Abode.	Nature of Qualification.	Street, lane, or other place in this Parish [or Township] where the property is situate, and number of the house, if any.

Division Three.—Voters, Municipal only.

20	Christian Name and Surname of each Voter at full length.	Place of Abode.	Nature of Qualification.	Street, lane, or other place in this Parish [or Township] where the property is situate, and number of the house, if any.

(Signed) $\left. \begin{array}{l} A.B. \\ C.D. \\ E.F. \end{array} \right\}$ Overseers of

14 *Parliamentary and Municipal Registration (Boroughs).* [39 VICT.]

A.D. 1876.

No. 4.

NOTICE OF CLAIM.

To the overseers of the parish [*or* township] of .

I hereby give you notice that I claim to have my name inserted in [*or* transposed from division to] division of the 5 list made by you of parliamentary and municipal voters (rated occupiers) for the parliamentary borough of and the municipal borough of , and that the particulars of my qualification and place of abode are stated in the columns below.

Dated this day of one thousand 10 eight hundred and

Christian Name and Surname of the Claimant at full length.	Place of Abode.	Nature of Qualification.	Street, lane, or other place in the Parish [<i>or</i> Township] where the property is situate, and number of the house (if any).

15

(Signed) G.H.

No. 5.

LISTS OF CLAIMANTS TO BE PUBLISHED BY THE OVERSEERS.

The following persons claim to have their names inserted or transposed in the list of parliamentary and municipal voters (rated 20 occupiers) for the parliamentary borough of and the municipal borough of in respect of the occupation of premises situate wholly *or* partly within the parish [*or* township] of , and being rated for the same to the rates for the relief of the poor.

30

Christian name and Surname of each Claimant at full length.	Place of Abode.	Nature of Qualification.	Street, lane, or other place in this Parish [<i>or</i> Township] where the property is situate, and number of the house (if any).	Division, if any, of the list of Voters in which the Claimant's name appears.	Division of the List of Voters for which the claim is made.

35

(Signed) A.B. }
C.D. } Overseers of
E.F. }

No. 6.

A.D. 1876.

NOTICE OF OBJECTION.

To the overseers of the parish [*or* township] of

I hereby give you notice that I object to the name of
5 being retained in division (*or* in any division) of the list of
parliamentary and municipal voters (rated occupiers) for the parlia-
mentary borough of and the municipal borough of

Dated this

day of

10

(Signed) *A.B.*, of [place of abode],

On the list of voters for the parish

[*or* township] of

NOTE.—If there is more than one list of voters, the notice of
objection should specify the list to which the objection refers, and
if the list contains two or more persons of the same name, the
15 notice should distinguish the person intended to be objected to.

No. 7.

FORM OF NOTICE OF OBJECTION TO BE GIVEN TO PARTY
OBJECTED TO.

To Mr.

20 I hereby give you notice that I object to your name being retained
in division (*or* in any division) of the list of parlia-
mentary and municipal voters (rated occupiers) for the parliamentary
borough of and the municipal borough of

Dated this

day of

25

(Signed) *A.B.*, of [place of abode],

On the list of voters for the parish

[*or* township] of

No. 8.

30 LIST OF PERSONS OBJECTED TO TO BE PUBLISHED BY THE
OVERSEERS.

The following persons have been objected to as not being entitled
to have their names retained in the list of parliamentary and muni-

[108.]

C 3

16 *Parliamentary and Municipal Registration (Boroughs)*. [39 VICT.]

A.D. 1876. cipal voters (rated occupiers) for the parliamentary borough of
— and the municipal borough of

Christian Name and Surname of each Person objected to.	Place of Abode.	Nature of the supposed Qualification.	Street, lane, or other place in the Parish [or Township] where the property is situate, and number of the house (if any).	Division of List to which Objection is made.

Signed *A.B.* }
C.D. } Overseers of
E.F. }

10

No. 9.

To *A.B.*

Municipal Borough of { Take Notice, That you will not be entitled to
of { have your name inserted in the list of municipal
voters for this municipal borough now about to be made in respect 15
of the premises in your occupation in

[street or place] unless you pay, on or before the twentieth day of July next, all the poor rates which have become due from you in respect of such premises up to the fifth day of January last, amounting to £., and if you omit to make such payment you will be incapable of being in the next register of municipal voters for this municipal borough. 20

Dated the _____ day of June, one thousand eight hundred and _____.

C.D. } Overseers, 25
E.F. }

Or

G.H. Assistant Overseer.

or

I.K. Collector. 30

Parliamentary and Municipal Registration (Boroughs).

A

B I L L

To constitute one Register of Persons entitled to the Parliamentary and Municipal Franchise, and otherwise to amend the Law relating to Parliamentary and Municipal Registration in certain Boroughs.

*(Prepared and brought in by
Mr. Alfred Marten, Mr. Torr, Mr. Birley, and
Mr. Dodds.)*

*Ordered, by The House of Commons, to be Printed,
16 March 1876.*

[Bill 108.]

Under 3 oz.

Parliamentary and Municipal Registration (Boroughs) Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title.
2. Application of Act.
3. Regulations respecting registration in municipal boroughs under this Act.
4. Notices by overseers of rates in arrear, &c.
5. Persons whose names are omitted from the list or inserted in the wrong division or by wrong qualification to give notice, and list of such persons to be made.
6. Persons named in lists and claimants may inspect rate books.
7. Persons named in list may object to others.
8. List to be made of persons objected to.
9. Overseers to deliver copies of lists to town clerk.
10. Publication of lists, &c.
11. Revision by revising barrister.
12. Divisions one and two of revised lists to be used for parliamentary register.
13. Divisions one and three of revised list to be used for municipal register.
14. Copying and printing revised lists.
15. Correction of municipal register in pursuance of order on appeal.
16. List of persons entitled to be elected councillors or aldermen.
17. Burgess lists and rolls.
18. Expenses.
19. Commencement of Act.
20. Interpretation.
21. Act to be construed with Registration Acts.
22. Act not to extend to Scotland or Ireland.

SCHEDULE.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Constitute one Register of Persons entitled to the Parliamentary and Municipal Franchise, and otherwise to amend the Law relating to Parliamentary and Municipal Registration in certain Boroughs. A.D. 1876.

WHEREAS it is expedient to constitute so far as practicable one register of persons entitled to the parliamentary and municipal franchise, and otherwise to amend the law relating to parliamentary and municipal registration in certain boroughs :

5 Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as the Borough Registration Act, 1876. Short title.

2. This Act shall apply to the area of every municipal borough which is co-extensive with a parliamentary borough, or which is included in a parliamentary borough, or of which a part is so included. Application of Act.

15 3. The following regulations shall be observed with respect to the registration of voters in each municipal borough under this Act; that is to say, Regulations respecting registration in municipal boroughs under this Act.

(1.) The overseers of every parish or township situate wholly or partly in such municipal borough shall, on or before the last day of July in every year, in lieu of the list which they are by the Registration Acts required to make out or cause to be made out of all persons entitled in respect of any right conferred by the Reform Act, 1832, or by section three of the Representation of the People Act, 1867, to vote in the election of a member or members to serve in Parliament for the parliamentary borough with which such municipal borough is co-extensive or in which the whole

[Bill 229.]

A

A.D. 1876.

or part of such municipal borough is included, in respect of the occupation of premises situate wholly or partly within the area common to such municipal borough and to such parish or township, make out or cause to be made out a list of all such persons and all persons entitled 5 to be registered as municipal voters for such municipal borough under the provisions of the Municipal Corporation Acts in respect of the occupation of premises situate wholly or partly within the area common to such municipal borough and to such parish or township : 10

(2.) Such list of voters shall be framed in three divisions, as follows :

Division one shall comprise the names of all persons entitled in respect of any right conferred by the Reform Act, 1832, or by section three of the Representation of the 15 People Act, 1867, to vote in the election of a member or members to serve in Parliament for the parliamentary borough in respect of the occupation of premises situate wholly or partly within the area common to such municipal borough and to such parish or township, and at the 20 same time entitled to be registered as municipal voters for such municipal borough in respect of the occupation of premises situate wholly or partly within the area common to such municipal borough and to such parish or township : 25

Division two shall comprise the names of all persons entitled in respect of any right conferred by the Reform Act, 1832, or by section three of the Representation of the People Act, 1867, to vote in the election of a member or members to serve in Parliament for the parliamentary 30 borough in respect of the occupation of premises situate as aforesaid, but not entitled to be registered as municipal voters for such municipal borough in respect of the occupation of premises situate as aforesaid :

Division three shall comprise the names of all persons 35 entitled to be registered as municipal voters for such municipal borough in respect of the occupation of premises situate wholly or partly within the area common to such municipal borough and to such parish or township, but not entitled in respect of any right conferred by the Reform 40 Act, 1832, or by section three of the Representation of the

People Act, 1867, to vote in the election of a member or members to serve in Parliament for the parliamentary borough in respect of the occupation of premises situate as aforesaid : A.D. 1876.

- 5 (3.) Such list shall be according to the form numbered three in the schedule to this Act :

The names in each division of the list shall be arranged alphabetically according to surnames, and as to division one without duplication of names :

- 10 In each division the christian name and surname of every person inserted shall be written at full length, together with the place of his abode and the nature of his qualification, and the name of the street, lane, or place, and the number of the house, if any, or other description
15 of the situation of the premises or property conferring the qualification :

- (4.) Such list shall be styled the list of parliamentary and municipal voters (occupiers) within the area to which it relates, and so much of section thirteen of the Parliamentary Electors Registration Act, 1843, as relates to the signing of the lists of voters, and to the making, publishing, and keeping for inspection copies thereof, and to the delivery of copies thereof to persons requiring the same, shall apply to every list of parliamentary and municipal voters (occupiers) under this Act :

- 20 (5.) For the purposes of this Act and of the Registration Acts, so far as relates to the area of any municipal borough to which this Act applies, the forms numbered one, two, three, four, five, six, seven, eight, and nine in the schedule to this Act shall be substituted for the forms numbered one, two, three, four, six, eight, ten, eleven, and twelve in Schedule B. to the Parliamentary Electors Registration Act, 1843 ; and shall be made use of accordingly within the area of each such municipal borough :

- 35 So much of section ten of the Parliamentary Electors Registration Act, 1843, as relates to the printing of forms and to the making and delivering to the overseers of precepts and forms of notices and lists shall apply to the corresponding substituted forms under this Act ; and the duties imposed on the town clerk by that section, so far
40 as regards the area of any municipal borough under this

A.D. 1876.
—

Act, shall be performed by the town clerk of such municipal borough :

- (6.) Where part only of any parish or township is situate in the area of any municipal borough to which this Act applies, such part shall, for the purposes of this Act and of the 5 Registration Acts, be deemed a separate parish or township, and the overseers of the whole parish or township shall, for the purposes of this Act, be deemed to be overseers of such part as if the same were a separate parish or township; and the regulations of this Act with respect to 10 the registration of voters in such municipal borough, shall take effect accordingly in such part, and shall not affect the remaining part of the parish or township, and such remaining part shall in like manner be deemed a separate parish or township for the purposes of the Registration 15 Acts :

- (7.) The lists may be framed according to convenience for use in parts for polling districts or wards, and, where the polling districts or wards are not conterminous, in such parts as that the same may be conveniently compiled or 20 put together to serve either as lists for polling districts or as ward lists.

Notices
by overseers
of rates in
arrear, &c.

4. The overseers of every parish or township situate wholly or partly in a municipal borough under this Act shall, on or before the twentieth day of June in every year, publish within the area 25 common to such municipal borough and to such parish or township, a notice in writing according to the form numbered two in the schedule to this Act in lieu of the form numbered two in Schedule B. to the Parliamentary Electors Registration Act, 1843.

Where any poor rate or borough rate due on the fifth day of January 30 in any year from an occupier in respect of premises entitling the occupier thereof to be registered as a municipal voter for a municipal borough under this Act, remains unpaid on the first day of June following, the overseers whose duty it may be to collect such rate shall, on or before the twentieth of the same month of June, unless 35 such rate has previously been paid, or has been duly demanded by a demand note to be served in like manner as the notice in this section referred to, give or cause to be given a notice in the form numbered ten set forth in the schedule to this Act to every such occupier.

Any overseer who shall wilfully withhold such notice with intent 40 to keep such occupier off the register of municipal voters for the

said municipal borough, shall be deemed guilty of a breach of duty in the execution of the Registration Acts. A.D. 1876.

The notice shall be deemed to be duly given if delivered to the occupier, or left at his last or usual place of abode, or with some person on the premises in respect of which the rate is payable.

In case no such person can be found, then the notice under this section and the notice under section twenty-eight of the Representation of the People Act, 1867, in respect of any premises situate wholly or partly within the area of a municipal borough to which this Act applies, shall be deemed to be duly given if affixed upon some conspicuous part of the premises.

Section twenty-nine of the Representation of the People Act, 1867, shall extend and be applicable to every parish or township situate wholly or partly within a municipal borough under this Act.

5. Every person whose name shall have been omitted in any list of parliamentary and municipal voters (occupiers) under this Act, and who shall claim as having been entitled on the last day of July then next preceding to have his name inserted in such list; and every person whose name shall have been inserted in such list and who shall claim as having been entitled on the last day of July then next preceding to have his name inserted in any division other than the division in which his name appears of such list; and every person whose name shall have been inserted in such list, and who shall be desirous of being registered for a different qualification than that for which his name appears in such list, shall, on or before the twenty-fifth day of August in that year, give or cause to be given a notice according to the form numbered five in the schedule to this Act or to the like effect to the overseers of that parish or township in the list whereof he shall claim to have his name inserted or transposed or the description of his qualification altered, and the overseers shall include the names of all persons so claiming as aforesaid in a list, according to the form numbered six in the said schedule.

Persons whose names are omitted from the list or inserted in the wrong division or by wrong qualification to give notice, and list of such persons to be made.

6. It shall be lawful for any person whose name shall have been inserted in any list of parliamentary and municipal voters (occupiers) under this Act, or for any person who shall have claimed to have his name inserted in any such list, upon request made by such person at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day except Sunday, between the tenth day of August and the last day of August, to any overseer or other officer having the custody

Persons' named in list and claimants may inspect rate books.

A.D. 1876. of any poor rate book, to inspect such poor rate book, and make extracts therefrom for any purpose relating to any claim or objection made or intended to be made by or against such person, and every such overseer or other officer as aforesaid is hereby required, upon such request as aforesaid, to permit such inspection and the making 5 of such extracts without payment of any fee.

Persons
named in list
may object
to others.

7. Any person whose name shall have been inserted in any list of parliamentary and municipal voters (occupiers) under this Act as a parliamentary voter, may be objected to by any other person whose name may appear on any list, whether made out 10 under this Act or under the Registration Acts, for the same parliamentary borough as a parliamentary voter, on the ground of the person so objected to not having been entitled on the last day of July next preceding to have his name so inserted; and every person whose name shall have been inserted in any list of parlia- 15 mentary and municipal voters (occupiers) under this Act as a municipal voter may object to any other person whose name may appear on any such list for the same municipal borough as a municipal voter, on the ground of the person so objected to not having been entitled on the last day of July next preceding to have his 20 name so inserted; and every person so objecting shall, on or before the twenty-fifth day of August in that year, give or cause to be given a notice according to the form numbered seven in the schedule to this Act or to the like effect to the overseers who shall have made out the list in which the name of the person so objected to shall have 25 been inserted, and every person so objecting shall also give or cause to be left at the place of abode of the person objected to as stated in the said list a notice according to the form numbered eight in the said schedule, and every notice of objection shall be signed by the person objecting. 30

Divisions one and two of every list of parliamentary and municipal voters (occupiers) under this Act shall, for the purpose of enabling every person whose name is inserted therein as a parliamentary voter to object to any other person whose name is inserted, and to oppose the claim of any other person claiming to have his 35 name inserted as a parliamentary voter in any other list of voters, whether made out under this Act or under the Registration Acts, for the same parliamentary borough, be deemed lists of voters for such borough under the Registration Acts; and section seventeen of the Parliamentary Electors Registration Act, 1843, shall extend 40 to the case of an objection made by any person whose name shall have been inserted as a parliamentary voter in a list of parlia-

A.D. 1876.

mentary and municipal voters (occupiers) to any other person whose name shall have been inserted as a parliamentary voter in any list of voters for the same parliamentary borough, whether such list of voters was made out under this Act or under the Registration Acts; and section thirty-nine of the Parliamentary Electors Registration Act, 1843, shall extend to the case of an opposition by any person whose name shall have been inserted as a parliamentary voter in a list of parliamentary and municipal voters (occupiers) under this Act, to the claim of any other person to be inserted as a parliamentary voter in any list of voters for the same parliamentary borough, whether such list of voters was made out under this Act or under the Registration Acts.

8. The overseers in respect of an area to which this Act applies shall include the names of all persons so objected to as aforesaid, of which objections the said overseers shall have received notice in a list according to the form numbered nine in the schedule to this Act, and the said overseers shall sign each of the said lists of persons objected to and of claimants as aforesaid, and cause copies thereof to be written or printed, and shall publish within the said area the said list of persons objected to and the said list of claimants as aforesaid on or before the first day of September in the said year, and shall keep copies of such lists, and shall allow the same and also the notices of objection which they shall have received to be perused by any person without payment of any fee at any time between ten of the clock in the forenoon and four of the clock in the afternoon of any day except Sunday, during the first fourteen days of September in the said year, and shall deliver copies of each of such lists to any person requiring the same on payment of a price for each copy after the rate specified in the table numbered one in the Schedule D. to the Parliamentary Electors Registration Act, 1843.

List to be made of persons objected to.

9. The overseers shall, on or before the twenty-ninth day of August in every year, deliver to the town clerk of such municipal borough a copy of the lists of parliamentary and municipal voters (occupiers) made out by them as aforesaid, and a copy of the said list of persons who shall have claimed as aforesaid, and a copy of the said list of persons objected to as aforesaid.

Overseers to deliver copies of lists to town clerk.

10. The provisions contained in sections twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, thirty-one, and thirty-five of the Parliamentary Electors Registration Act, 1843, relating to the publication of lists and notices and otherwise shall apply to

Publication of lists, &c.

A.D. 1876. the lists of parliamentary and municipal voters (occupiers) and other lists, and to notices under this Act.

Revision by
revising barrister.

11. Every list of parliamentary and municipal voters (occupiers) within the area of a municipal borough under this Act shall be revised by the revising barrister for the time being authorised under the Registration Acts to revise the list of voters for the parliamentary borough with which such municipal borough is co-extensive, or in which the whole or part of such municipal borough is included, in the manner and with and subject to all the powers, provisions, and rights of appeal prescribed by the Registration Acts for the revision of the lists of voters in such parliamentary borough, with the following modifications; that is to say, 5 10

(1.) Such revising barrister shall insert in the proper division of such list of parliamentary and municipal voters (occupiers) the name of every person omitted who shall be proved to the satisfaction of such barrister to have given due notice of his claim to be inserted in such list, and to have been entitled on the last day of July then next preceding to have his name inserted in such division in respect of the qualification described in such notice of claim, and shall transpose from any division of such list to any other division of such list the name of every person inserted in such list who shall be proved to the satisfaction of such barrister to have given due notice of his claim to have his name inserted or transposed in such list, and to have been entitled on the last day of July then next preceding to have his name inserted in the division to which his name is so transposed in respect of the qualification described in such notice of claim, and shall expunge the name of the claimant from the division (if any) or from the list (if any), as the case may be, in which the name is inserted and in which, according to the decision of the revising barrister on the claim, the name should not be inserted: 15 20 25 30

A claim to be inserted, either originally or by way of transposition, in one division, shall hold good as a claim to be inserted in or transposed to any other division of such list: 35

A claim in respect of a parliamentary vote shall hold good for any list which has been made out by the overseers to whom notice of the claim has been given, and which is applicable to the qualification described in the notice of claim: 40

(2.) The right given by section thirty-nine of the Parliamentary A.D. 1876.

Electors Registration Act, 1843, to oppose the claim of any person claiming to have his name inserted in any list of voters shall apply to every claim for insertion on any list of parliamentary and municipal voters (occupiers) under this Act, and shall be extended to the claim of any person claiming to have his name transposed in any such list, and shall, as regards opposition to a claim in respect of a parliamentary vote, be exerciseable by any person on any list of voters as a parliamentary voter for the parliamentary borough, and as regards opposition to a claim in respect of a municipal vote be exerciseable by any person on any list as a municipal voter for the municipal borough :

(3.) The revising barrister, for giving effect to his decision in the case of any name objected to, shall insert the name in the division, if any, in which, according to his decision, it should be inserted by way of transposition from another division, and shall expunge the name from the division (if any) in which it is inserted, and from which, according to his decision, it should be expunged either absolutely or by way of transposition to another division of the list :

(4.) The last day for holding the court of revision for the revision of any list of parliamentary and municipal voters (occupiers) under this Act, shall be the fifteenth of October :

(5.) Every revised list of parliamentary and municipal voters (occupiers) under this Act shall be forthwith signed by the revising barrister, and delivered by him to the town clerk of the municipal borough to the area of which it relates, who shall keep the same.

12. Divisions one and two of every revised list of parliamentary and municipal voters (occupiers) within the area common to any municipal borough, and to any parish or township under this Act shall, when signed by the revising barrister as aforesaid, be deemed and be the revised list under the Registration Acts of persons entitled in respect of any right conferred by the Reform Act, 1832, or by section three of the Representation of the People Act, 1867, to vote in the election of a member or members to serve in Parliament for the parliamentary borough with which such municipal borough is co-extensive, or in which the whole or part of such

Divisions one and two of revised lists to be used for parliamentary register.

A.D. 1876. — municipal borough is included, in respect of the occupation of premises situate wholly or partly within the area common to such municipal borough and to such parish or township, and the said divisions one and two shall be used and dealt with and take effect accordingly. 5

Divisions one and three of revised list to be used for municipal register.

13. Divisions one and three of every revised list of parliamentary and municipal voters (occupiers) within the area common to any municipal borough, and to any parish or township under this Act shall, when signed by the revising barrister as aforesaid, be deemed and be the revised burgess list under the Municipal Corporation Acts, of persons entitled to be enrolled as burgesses of such municipal borough in respect of the occupation of premises situate wholly or partly within the area common to such municipal borough and to such parish or township, and the said divisions one and three shall be used and dealt with, and take effect accordingly. 10 15

Copying and printing revised lists.

14. In copying and printing divisions one and two under the Registration Acts and divisions one and three under the Municipal Corporation Acts of the said revised lists, the two divisions in each set may be combined or kept separate, and may be arranged according to convenience for use in parts for polling districts or wards, and, where the polling districts or wards are not conterminous, in such parts as that the same may be conveniently compiled or put together to serve either as lists for polling districts or as ward lists; and the names may be distinguished by a number alone or in combination with a letter or other distinguishing mark according to the parts, and any arrangement may be adopted according to convenience so that one edition or print of division one may be available for both sets. 20 25

Correction of municipal register in pursuance of order on appeal.

15. The provisions of the Registration Acts as to the alteration or correction of the register in pursuance of any judgment or order of the court of appeal shall apply to the alteration or correction of the burgess roll of a municipal borough under this Act, except that the notice of the judgment or order shall be given to the town clerk having the custody of the burgess roll, and the alteration or correction shall be made by him. 30 35

List of persons entitled to be elected councillors or aldermen.

16. In every municipal borough under this Act the separate lists of persons not entitled to a municipal vote, but entitled to be elected a councillor or alderman of such borough, required to be made out and published in such borough in every year under the Municipal Corporation Acts, shall be made out and published at the same time and in the same manner and with the same provisions as to objections and claims, and be revised in the 40

same manner as the lists of parliamentary and municipal voters (occupiers), and when so revised shall be delivered to the town clerk and copied as a separate list at the end of the burgess roll for such municipal borough. A.D. 1876.

5 17. From and after the commencement of this Act none of the provisions in the Municipal Corporations Acts contained for the preparation and revision of burgess lists shall take effect in any municipal borough under this Act, but nothing in this Act shall affect any existing burgess roll. Burgess lists and rolls.

10 18. One half of the expenses properly incurred in carrying into effect the provisions of this Act by the town clerk of a municipal borough, and by the overseers of parishes or townships situate wholly or partly within such borough, shall be defrayed in the manner prescribed by the Registration Acts as expenses incurred
15 thereunder, and the remaining half of such expenses shall be defrayed in the manner prescribed by the Municipal Corporations Acts as expenses incurred thereunder. Expenses.

19. This Act shall commence upon the first day of May in the year one thousand eight hundred and seventy-seven. Commencement of Act.

20 20. In this Act— Interpretation.

The expression “The Reform Act, 1832,” shall mean the Act of the second year of the reign of King William the Fourth, chapter forty-five, intituled “An Act to amend the representation of the people in England and Wales:”

25 The expression “Municipal Corporations Acts” shall mean the Act of the session of the fifth and sixth years of King William the Fourth, chapter seventy-six, intituled “An Act to provide for the regulation of Municipal Corporations in England and Wales,” and the Acts amending the same:

30 The expression “The Parliamentary Electors Registration Act, 1843,” shall mean the Act of the session of the sixth and seventh years of the reign of Her Majesty, chapter eighteen, intituled “An Act to amend the Law for the Registration of
35 “Persons entitled to Vote, and to define certain rights of
“Voting, and to regulate certain Proceedings in the Election
“of Members to serve in Parliament for England and Wales:”

The expression “Registration Acts” shall mean the Parliamentary Electors Registration Act, 1843, and any Acts or parts of Acts relating to the registration of persons entitled to vote at and proceedings in the election of members to serve in Parliament for England and Wales:

- A.D. 1876. The expression "parliamentary borough" shall mean any borough, city, county of city, county of a town, place, or combination of places, returning a member or members to serve in Parliament, and not being a county at large, or riding, part, or division of a county at large : 5
- The expression "municipal borough" shall mean any place for the time being subject to the Municipal Corporation Acts :
- The expression "municipal voter" shall mean a person duly enrolled on the burgess roll of a municipal borough within the meaning of the Municipal Corporation Acts and entitled to 10 vote at the election of any person to serve the office of councillor, auditor, or assessor of such municipal borough, or of councillor for a ward of such municipal borough, and expressions referring to the registration of municipal voters shall refer to the enrolment of burgesses on the burgess roll within 15 the meaning of the Municipal Corporation Acts.
- The other terms used in this Act shall, so far as is consistent with the context, have the same meaning as in the Registration Acts.

Act to be construed with Registration Acts.

Act not to extend to Scotland or Ireland.

21. This Act, so far as is consistent with the tenor thereof, shall be construed as one with the Registration Acts. 20

22. This Act shall not extend to Scotland or Ireland.

The SCHEDULE.

A.D. 1876.

FORM No. 1.

PRECEPT OF THE TOWN CLERK TO THE OVERSEERS.

5 Parliamentary Borough } To the overseers of the poor of the parish of
of } [or, to the overseers of the poor
Municipal Borough of } of the township of [or to wit.]

IN pursuance of the Borough Registration Act, 1876, I require your attention to the following :

10 *Instructions.*

On or before the twentieth day of June you are to publish within your parish [or township] [or if part only of the parish or township is situate within the area of the municipal borough, within the area common to this municipal borough and to your parish (or township)] a notice signed by you, according to the form marked number two among the printed forms herewith sent.

20 The manner in which you are required to publish that notice is as follows ; (that is to say,) you are required to fix one of the printed copies (each copy being first signed by you) on or near the outside of the outer door or of the outer wall near the door of every church and public chapel in your parish [or township] [or if part only of the parish or township is situate within the area of the municipal borough, in the area common to this municipal borough and to your parish (or township)], including chapels which do not belong to the Established Church, or if there should be no such church or chapel, then in some public and conspicuous situation in such area, and it must remain there during a period including two Sundays at least.

30 On or before the last day of July you are to make out, according to the form marked number three among the printed forms herewith sent, a list in three divisions, each alphabetically arranged, of all persons who may be entitled in respect of any right conferred by the Reform Act, 1832, 'being the Act of the second year of the reign of King William the Fourth, chapter forty-five, or by section three of the Representation of the People Act, 1867, to vote in

A.D. 1876. the election of a member [*or members*] to serve in Parliament
— for this parliamentary borough, in respect of the occupation of
premises situate wholly or partly within your parish [*or town-*
ship] [*or if part only of the parish or township is situate within the*
area of the municipal borough within the area common to this 5
municipal borough and to your parish (*or township*)], and who
may be entitled to be registered as municipal voters for this
municipal borough in respect of the occupation of premises situate
wholly or partly within your parish [*or township*] [*or if part only*
of the parish or township is situate within the area of the municipal 10
borough within the area common to this municipal borough and to
your parish (*or township*)], of which divisions, division one shall
comprise voters both parliamentary and municipal; division two,
voters parliamentary only; and division three, voters municipal only;
and another alphabetical list, according to the form marked number 15
four among the printed forms herewith sent, of all other persons
(freemen excepted) who may be entitled in respect of any rights
other than those conferred by the said Reform Act, 1832, or by the
Representation of the People Act, 1867, to vote in the election of a
member [*or members*] to serve in Parliament for this parliamentary 20
borough; and in making out each of the said lists you must write
or cause to be written the christian name and surname of every such
person at full length, together with the place of his abode, and the
nature of his qualification, and when the qualification of any person
shall be in respect of any property, you must state the name 25
of the street, lane, and number of the house, if any, or other
description of the place where such property may be situate.

And on or before the first day of August you are to publish
written or printed copies of the said lists signed by you on every
church or chapel within your parish [*or township*], [*or if part only* 30
of the parish or township is situate within the area of the municipal
borough within the area common to this municipal borough and to
your parish (*or township*)] in the same manner as before mentioned
with regard to the notice.

You are to keep also a copy of such lists signed by you to be 35
perused by any person, without payment of any fee, at any time
between the hours of ten of the clock in the forenoon and four of
the clock in the afternoon of any day except Sunday during the
first fourteen days after the said lists shall have been published.

You are to make out a list according to the form marked number 40
six among the printed forms herewith sent, containing the name of
every person who shall have given or have caused to be given to

A.D. 1876.

you or any one of you, on or before the twenty-fifth day of August, his claim to have his name inserted or transposed in the list of parliamentary and municipal voters (occupiers) within your parish [or township] [*or if part only of the parish or township is situate*
5 *within the area of the municipal borough* within the area common to this municipal borough and to your parish (*or township*)], or his claim to have his name inserted in the list for your parish [or township] [*or if part only of the parish or township is situate within*
10 *the area of the municipal borough* for the area common to this municipal borough and to your parish (*or township*)] of persons (freemen excepted) entitled in respect of any rights other than those conferred by the said Reform Act, 1832, or by the Representation of the People Act, 1867, to vote in the election of a member [or members] to serve in Parliament for this parliamentary
15 borough; and also another list according to the form marked number nine among the printed forms herewith sent, containing the name of every person against whom a notice of objection shall have been given to you or any one of you, on or before the twenty-fifth day of August, as not being entitled to have his
20 name retained in any list or in a division of any list for your parish [or township] [*or if part only of the parish or township is situate within the area of the municipal borough* for the area common to this municipal borough and to your parish (*or township*)]; and also another list according to the form pre-
25 scribed by the Representation of the People Act, 1867, in that behalf containing the particulars of the claims received by you from persons desirous of being registered as voters to vote in the election of a member [or members] to serve in Parliament for this parliamentary borough in respect of the occupation of lodgings
30 within your parish [or township] [*or if part only of the parish or township is situate within the area of the municipal borough* within the area common to this municipal borough and to your parish (*or township*)], and on or before the first day of September you are to sign and publish each of such lists on every church or chapel in
35 your parish [or township] [*or if part only of the parish or township is situate within the area of the municipal borough* in such area] in the same manner as before mentioned with regard to the notice.

You are to keep a copy of these lists signed by you, and you are to allow the same and also the notices of objection to be
40 perused by any person without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day except Sunday during the

A.D. 1876. first fourteen days of September, both inclusive, and you are to deliver a copy of each of such lists to any person requiring the same, on the payment of a price for each copy after the rate contained in the table numbered one in Schedule (D.) to the Act of the sixth year of Her present Majesty, chapter eighteen. 5

If you shall find any such notice, list, register, or other document published by you as aforesaid, to be destroyed, mutilated, effaced, or removed, you are forthwith to place another in its room to the same effect.

On or before the twenty-ninth day of August you are to deliver 10 to me a copy of the lists of voters, a copy of the lists of claimants, and a copy of the list of persons objected to, so respectively made out and signed by you as aforesaid.

You are to attend the court to be holden for the revision of the list of voters for this parliamentary borough and municipal borough, 15 of the time of holding which notice will be given; and at the opening of such court you are there to deliver to the barrister before whom the same shall be holden the several lists made out by you and signed by you, and the original notices of objection and the original notices of claims given to you. 20

Herein if you fail you will be liable to the penalties in that case provided.

Given under my hand this day of one
thousand eight hundred .

(Signed) *A.B.*, 25
Town Clerk for the said Municipal Borough.

No. 2.

Parliamentary Borough } WE hereby give notice that no person will
of } be entitled to have his name inserted in any
Municipal Borough of } list of voters as a parliamentary voter for the 30
to wit }
parliamentary borough of , or in
any list of voters as a municipal voter for the municipal borough of
now about to be made in respect of the
occupation of premises situate wholly or partly within this parish
[or township] [or if part only of the parish or township is situate 35
within the area of the municipal borough within the area common
to the said municipal borough and to this parish (or township)]
unless he shall have paid on or before the twentieth day of July all

the poor rates which have become due from him in respect of such premises up to the fifth day of January last past : A.D. 1876.

Nor to have his name inserted as a parliamentary voter in respect of any right conferred by the Reform Act, 1832, being the Act of the second year of the reign of King William the Fourth, chapter forty-five, in respect of such occupation in any list now about to be made of parliamentary voters for the said parliamentary borough, unless he shall have paid on or before the twentieth day of July all the assessed taxes which have become due from him in respect of such premises up to the fifth day of January last past :

Nor to have his name inserted as a municipal voter in respect of such occupation in any list now about to be made of municipal voters for the said municipal borough, unless he shall have paid on or before the twentieth day of July all the borough rates (if any) which have become due from him in respect of such premises up to the fifth day of January last past :

And all persons who omit to make such payments respectively will be incapable of being upon the next register of parliamentary voters for the parliamentary borough of , or upon the next register of municipal voters for the municipal borough of , as the case may be, in respect of such occupation.

Dated this day of

(Signed) *A.B.* } Overseers of the parish
C.D. } [or township] of
E.F. }

No. 3.

Parliamentary Borough of } THE LIST OF PARLIAMENTARY AND MUNI-
Municipal Borough of } CIPAL VOTERS (OCCUPIERS) comprising the
to wit } names of persons entitled in respect of any
right conferred by the Reform Act, 1832, being the Act of the second
year of the reign of King William the Fourth, chapter forty-five,
or by section three of the Representation of the People Act, 1867,
to vote in the election of a member [or members] to serve in Par-
liament for the parliamentary borough of in respect of
the occupation of premises situate wholly or partly within the parish
[or township] of [or if part only of the parish or
township is situate within the area of the municipal borough within
the area common to the municipal borough of and to
the parish (or township) of], and the names of

A.D. 1876. persons entitled to be registered as municipal voters for the municipal borough of _____ in respect of the occupation of premises situate wholly or partly within the parish [*or township*] of _____ [*or if part only of the parish or township is situate within the area of the municipal borough*] within the area common to the municipal borough of _____ and to the parish (*or township*) of _____] in three divisions, that is to say : 5

Division one, comprising the names of persons entitled in respect of any right conferred by the said Reform Act, 1832, or by section three of the Representation of the People Act, 1867, to vote in the election of a member [*or members*] to serve in Parliament for the parliamentary borough of _____ in respect of the occupation of premises situate wholly or partly within the parish [*or township*] of _____ [*or if part only of the parish or township is situate within the area of the municipal borough*] within the area common to the municipal borough of _____ and to the parish (*or township*) of _____], 15

and at the same time entitled to be registered as municipal voters for the municipal borough of _____, in respect of the occupation of premises situate wholly or partly within the said parish [*or township*] [*or if part only of the parish or township is situate within the area of the municipal borough*] within the area common to the said municipal borough and to the said parish (*or township*)). 20

And division two, comprising the names of persons entitled in respect of any right conferred by the said Reform Act, 1832, or by section three of the Representation of the People Act, 1867, to vote in the election of a member [*or members*] to serve in Parliament for the said parliamentary borough in respect of the occupation of premises situate as aforesaid, but not entitled to be registered as municipal voters for the said municipal borough in respect of the occupation of premises situate as aforesaid. 25 30

And division three, comprising the names of persons entitled to be registered as municipal voters for the said municipal borough in respect of the occupation of premises situate wholly or partly within the said parish [*or township*] [*or if part only of the parish or township is situate within the area of the municipal borough*] within the area common to the said municipal borough and to the said parish (*or township*)], but not entitled in respect of any right conferred by the said Reform Act, 1832, or by section three of the Representation of the People Act, 1867, to vote in the election of a member [*or members*] to serve in Parliament for the said parliamentary borough in respect of the occupation of premises situate as aforesaid. 35 40

Division One.—Voters, both Parliamentary and Municipal.

A.D. 1876.

5

Christian Name and Sur- name of each Voter at full length.	Place of Abode.	Nature of Qualification.	Street, lane, or other place in this Parish [<i>or</i> Township] where the property is situate, and number of the house, if any.

Division Two.—Voters, Parliamentary only.

10

Christian Name and Sur- name of each Voter at full length.	Place of Abode.	Nature of Qualification.	Street, lane, or other place in this Parish [<i>or</i> Township] where the property is situate, and number of the house, if any.

Division Three.—Voters, Municipal only.

15

Christian Name and Sur- name of each Voter at full length.	Place of Abode.	Nature of Qualification.	Street, lane, or other place in this Parish [<i>or</i> Township] where the property is situate, and num- ber of the house, if any.

(Signed)

A.B.

C.D.

E.F.

} Overseers of the
parish [*or* town-
ship] of

No. 4.

20

The list for the parish [*or* township] of

[*or if*
part only of the parish or township is situate within the area of the
municipal borough for the area common to the municipal borough
of

and to the parish (*or* township) of

] of all
persons (freemen excepted) entitled in respect of any rights other
[229.]

D

A.D 1876. than those conferred by the Reform Act, 1832, being the Act of the second year of the reign of King William the Fourth, chapter forty-five, or by the Representation of the People Act, 1867, to vote in the election of a member [*or members*] to serve in Parliament for the parliamentary borough of

5

Christian Name and Sur-name of each Voter at full length.	Place of Abode.	Nature of Qualification.	Street, lane, or other place in this Parish [<i>or Township</i>] where the property is situate, and number of the house (if any) [<i>when the right of voting depends on property</i>].

10

(Signed)

A.B.
C.D.
E.F.

Overseers of the parish
[*or township*] of

No. 5.

15

NOTICE OF CLAIM.

Parliamentary Borough
of
Municipal Borough of

} of

to wit

To the overseers of the parish [*or township*]

I hereby give you notice that I claim to have my name inserted in [*or transposed from division* to] 20

division of the list made by you of parliamentary and municipal voters (occupiers) within the parish [*or township*] of

[*or if part only of the parish or township is situate within the area of the municipal borough within the area common to the municipal borough of* and to the 25

parish (*or township*) of

], [*or inserted in the list made by you for the parish (*or township*) of* , *or if part only of the parish or township is situate within the area of the municipal borough for the area common to the municipal borough of* and to the parish (*or township*) of 30

of persons (freemen excepted) entitled in respect of any rights other than those conferred by the Reform Act, 1832, being the Act of the second year of the reign of King William the Fourth, chapter forty-five, or by the Representation of the People Act, 1867, to vote in the election of a member (*or members*) to serve in Parliament 35

for the parliamentary borough of [*or*] and that the

[39 & 40 VICT.] *Parliamentary and Municipal Registration* 21
(Boroughs).

particulars of my qualification and place of abode are stated in the A.D. 1876.
columns below.

Dated this day of one thousand
eight hundred and .

5	Christian Name and Sur- name of the Claimant at full length.	Place of Abode.	Nature of Qualification.	Street, lane, or other place in the Parish [<i>or</i> Township] where the property is situate, and number of the house (if any) [<i>when the right of voting depends on property</i>].
10				

(Signed) G.H.

No. 6.

LIST OF CLAIMANTS TO BE PUBLISHED BY THE OVERSEERS.

15 Parliamentary Borough } The following persons claim to have their
of } names inserted or transposed in the list of par-
Municipal Borough of } liamentary and municipal voters (occupiers)
to wit } within the parish [*or* township] of [*or if part
only of the parish or township is situate within the area of the muni-
20 cipal borough* within the area common to the municipal borough of
 and to the parish (*or* township) of]
or claim to have their names inserted in the list for the parish (*or*
township) of [*or if part only of the parish or town-
ship is situate within the area of the municipal borough* for the area
25 common to the municipal borough of and to the
parish (*or* township) of] of persons (freemen ex-
cepted) entitled in respect of any rights other than those conferred
by the Reform Act, 1832, being the Act of the second year of the
30 reign of King William the Fourth, chapter forty-five, or by the
Representation of the People Act, 1867, to vote in the election of a
member (*or* members) to serve in Parliament for the parliamentary
borough of

35	Christian name and Surname of each Claim- ant at full length.	Place of Abode.	Nature of Qualifi- cation.	Street, lane, or other place in this Parish [<i>or</i> Town- ship] where the property is situate, and number of the house (if any) [<i>when the right of voting depends on property</i>].	List and division, if any, of the list of Voters in which the Claimant's name appears.	List and division, if any, of the List of Voters for which the claim is made.

40 (Signed) A.B. } Overseers of the parish
 C.D. } [*or* township] of
 E.F. }

A.D. 1876.

No. 7.

NOTICE OF OBJECTION.

To the overseers of the parish [*or township*] of _____ [*or*
to the town clerk of the municipal borough of _____, *or*
otherwise as the case may be]. 5

Parliamentary Borough } I hereby give you notice that I object to the
of } name of _____ being retained in division
Municipal Borough of } (*or in any division*) of the list of par-
to wit } liamentary and municipal voters (occupiers) within the parish [*or*
township] of _____ [*or if part only of the parish or township* 10
is situate within the area of the municipal borough within the area
common to the municipal borough of _____ and to the parish (*or*
township) of _____] [*or being retained in the list made by the*
overseers of the parish (*or township*) of _____ for the said
parish (*or township*) *or if part only of the parish or township is* 15
situate within the area of the municipal borough for the area com-
mon to the municipal borough of _____ and to the said
parish (*or township*) of persons (freemen excepted) entitled in respect
of any rights other than those conferred by the Reform Act, 1832,
being the Act of the second year of the reign of King William the 20
Fourth, chapter forty-five, or by the Representation of the People
Act, 1867, to vote in the election of a member (*or members*) to
serve in Parliament for the parliamentary borough of _____] [*or*
being retained in the list made by the town clerk of _____,
or otherwise as the case may be, of freemen entitled to vote in the 25
election of a member (*or members*) to serve in Parliament for the
parliamentary borough of _____].

Dated this _____ day of _____.

(Signed) *A.B.*, of [place of abode],

On the list of voters as a parliamentary voter for the said 30
parliamentary borough, and as a municipal voter for
the said municipal borough [*or as a parliamentary*
voter for the said parliamentary borough] [*or as a*
municipal voter for the said municipal borough] for
the parish [*or township*] of _____ [*or for the* 35
area common to the municipal borough of _____
and to the parish or township of _____].

NOTE.—If there is more than one list of voters, the notice of
objection should specify the list to which the objection refers, and
if the list contains two or more persons of the same name, the 40
notice should distinguish the person intended to be objected to.

FORM OF NOTICE OF OBJECTION TO BE GIVEN TO PARTY
OBJECTED TO.

To Mr.

5 Parliamentary Borough } I hereby give you notice that I object to your
of } name being retained in division (or
Municipal Borough of } to wit } in any division) of the list of parliamentary and
municipal voters (occupiers) within the parish [or township]
of [or if part only of the parish or township is situate
10 within the area of the municipal borough within the area common
to the municipal borough of and to the parish (or
township) of], [or being retained in the list made by
the overseers of the parish (or township) of for
the said parish (or township), or if part only of the parish or town-
15 ship is situate within the area of the municipal borough for the area
common to the municipal borough of and to
the said parish (or township) of persons entitled in respect of any
rights other than those conferred by the Reform Act, 1832, being
the Act of the second year of the reign of King William the Fourth,
20 chapter forty-five, or by the Representation of the People Act, 1867,
to vote in the election of a member (or members) to serve in Par-
liament for the parliamentary borough of], [or
being retained in the list made by the town clerk of , or
otherwise as the case may be, of freemen entitled to vote in the
25 election of a member (or members) to serve in Parliament for the
parliamentary borough of].

Dated this day of

(Signed) A.B., of [place of abode],

30 On the list of voters as a parliamentary voter for the said
parliamentary borough, and as a municipal voter for
the said municipal borough [or as a parliamentary
voter for the said parliamentary borough] [or as a
municipal voter for the said municipal borough] for
35 the parish [or township] of [or for the
area common to the municipal borough of
and to the parish or township of].

A.D. 1876.

No. 9.

LIST OF PERSONS OBJECTED TO TO BE PUBLISHED BY THE
OVERSEERS.

Parliamentary Borough } The following persons have been objected
of } to as not being entitled to have their names 5
Municipal Borough of } retained in some division or in any division
to wit } of the list of parliamentary and municipal voters (occupiers)
within the parish [or township] of [or if part only of
the parish or township is situate within the area of the municipal 10
borough within the area common to the municipal borough of
and to the parish (or township) of] or as
not being entitled to have their names retained in the list made by
the overseers of the said parish [or township] for the said parish
[or township] [or if part only of the parish or township is situate 15
within the area of the municipal borough for the area common to
the municipal borough of and to the said parish [or
township)] of persons (freemen excepted) entitled in respect of any
rights other than those conferred by the Reform Act, 1832, being
the Act of the second year of the reign of King William the Fourth, 20
chapter forty-five, or by the Representation of the People Act, 1867,
to vote in the election of a member [or members] to serve in
Parliament for the parliamentary borough of .

Christian Name and Surname of each Person ob- jected to.	Place of Abode.	Nature of the supposed Qualification.	Street, lane, or other place in the Parish [or Township] where the property is situate, and number of the house (if any) [when the right of voting depends on property].	List and division, if any, of List to which Objection is made.	25

Signed *A.B.* } Overseers of the parish 30
 C.D. } [or township] of
 E.F. }

No. 10.

A.D. 1876.

To *A.B.*

Municipal Borough } Take notice, that you will not be entitled to
of } have your name inserted in the list of municipal

5 voters for this municipal borough now about to be made in respect
of the premises in your occupation in

[*street or place*] unless you
pay, on or before the twentieth day of July next, all the poor rates
and borough rates (if any) which have become due from you in
10 respect of such premises up to the fifth day of January last,
amounting to £., and if you omit to make such payment
you will be incapable of being in the next register of municipal
voters for this municipal borough.

15 Dated the day of June, one thousand eight
hundred and

C.D. }
E.F. } Overseers,

or

G.H. Assistant Overseer,

or

20

I.K. Collector of the parish
[*or township*] of

Parliamentary and Municipal Registration (Boroughs).

A

B I L L

[AS AMENDED IN COMMITTEE]

To constitute one Register of Persons entitled to the Parliamentary and Municipal Franchise, and otherwise to amend the Law relating to Parliamentary and Municipal Registration in certain Boroughs.

(*Prepared and brought in by*
Mr. Alfred Marten, Mr. Torr, Mr. Birley, and
Mr. Dodds.)

Ordered, by The House of Commons, to be Printed,
4 July 1876.

[Bill 229.]

Under 4 oz.

Parliamentary and Municipal Registration (Boroughs) Bill.

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT.]

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title.
2. Application of Act.
3. Provision where part only of parish or township is situate in municipal borough.
4. Provision where precinct or place has no overseers.
5. Forms of precept, &c.
6. Printing of forms, and making and delivering to overseers of precepts and forms of notices and lists.
7. Notices by overseers of rates in arrear, &c.
8. Preparation of lists of parliamentary and municipal voters (occupiers) within municipal boroughs under this Act.
9. Signing of lists, and making, publishing, keeping for inspection, and delivery of copies thereof.
10. Persons whose names are omitted from the list or inserted in the wrong division or by wrong qualification to give notice, and list of such persons to be made.
11. Persons named in list and claimants may inspect rate books.
12. Persons named in list may be objected to, &c.
13. Persons named in divisions one and two may object to persons named in other lists of parliamentary voters.
14. Lists of persons objected to and of claimants to be signed and published, &c.
15. Overseers to deliver copies of lists to town clerk.
16. Publication of lists, &c.
17. Opposition to claims.
18. Revision by revising barrister.
19. Divisions one and two of revised lists to be used for parliamentary register.

[Bill 294.]

A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

TO

Amend the Law relating to Parliamentary and Municipal A.D. 1876.
Registration in certain Boroughs.

WHEREAS it will effect a great saving of expense and labour,
and it is expedient to establish so far as practicable one
system of preparation and revision of lists for the formation of the
register of parliamentary voters and the burgess roll respectively,
5 and it is expedient otherwise to amend the law relating to parlia-
mentary and municipal registration, in certain boroughs :

Be it enacted by the Queen's most Excellent Majesty, by and
with the advice and consent of the Lords Spiritual and Tem-
poral, and Commons, in this present Parliament assembled, and by
10 the authority of the same, as follows :

1. This Act may be cited for all purposes as the Borough Regis- Short title.
tration Act, 1876.

2. This Act shall apply to the area of every municipal borough Application
which is co-extensive with a parliamentary borough, or which is of Act.
15 included in a parliamentary borough, or of which a part is so
included.

3. Where part only of any parish or township is situate within Provision
the area of any municipal borough to which this Act applies, such where part
part shall, for the purposes of this Act and of the Registration Acts, only of pa-
20 be deemed a separate parish or township, and the overseers of the rish or town-
the whole parish or township shall, for the purposes of this Act and of ship is
the Registration Acts, be deemed to be overseers of such part as situate in
the same were a separate parish or township ; and the regulations municipal
of this Act with respect to the registration of voters in such borough.
25 municipal borough shall take effect accordingly in such part, and
shall not affect the remaining part of the parish or township, and
such remaining part shall in like manner be deemed a separate
parish or township for the purposes of the Registration Acts ; and
the overseers of the whole parish or township shall, for the purposes

[Bill 294.]

A

A.D. 1876. of the Registration Acts, be in like manner deemed to be overseers of such remaining part as if the same were a separate parish or township.

Provision
where pre-
cinct or place
has no over-
seers.

4. Where a precinct or place, whether extra-parochial or otherwise, has no overseers, and is situate wholly or partly within the area of a municipal borough to which this Act applies, then the area common to such municipal borough and to such precinct or place shall, for the purposes of this Act and of the Registration Acts, be deemed to be within the parish or township which adjoins such area and which is situate wholly or partly in such municipal borough and has overseers; and if such area shall adjoin two or more such parishes or townships, then such area shall be deemed to be within the least populous of such parishes or townships according to the last census for the time being.

Where part only of such precinct or place is situate within the area of a municipal borough to which this Act applies, such part shall, for the purposes of this Act and the Registration Acts, be deemed a separate precinct or place, and in like manner the remaining part of such precinct or place shall, for the purposes of the Registration Acts, be deemed a separate precinct or place.

Forms of
precept, &c.

5. For the purposes of this Act and of the Registration Acts, so far as relates to the area of any municipal borough to which this Act applies, the forms numbered one, two, three, four, five, six, seven, eight, and nine in the schedule to this Act shall be substituted for the forms numbered one, two, three, four, six, eight, ten, eleven, and twelve in Schedule B. to the Parliamentary Electors Registration Act, 1843; and shall be made use of accordingly within the area of each such municipal borough.

Printing of
forms, and
making and
delivering to
overseers of
precepts and
forms of
notices and
lists.

6. So much of section ten of the Parliamentary Electors Registration Act, 1843, as relates to the printing of forms and to the making and delivering to the overseers of precepts and forms of notices and lists shall apply to the corresponding substituted forms under this Act; and the duties imposed on the town clerk by that section, so far as regards the area of any municipal borough under this Act, shall be performed by the town clerk of such municipal borough.

Notices
by overseers
of rates in
arrear, &c.

7. The overseers of every parish or township situate wholly or partly within the area of a municipal borough to which this Act applies shall, on or before the twentieth day of June in every year, publish within the area common to such municipal borough and to such parish or township, a notice in writing according to the form

numbered two in the schedule to this Act in lieu of the form numbered two in Schedule B. to the Parliamentary Electors Registration Act, 1843. A.D. 1876.

Where any poor rate or borough rate due on the fifth day of January in any year from an occupier in respect of premises entitling the occupier thereof to be registered as a municipal voter for a municipal borough under this Act, remains unpaid on the first day of June following, the overseers whose duty it may be to collect such rate shall, on or before the twentieth of the same month of June, unless such rate has previously been paid, or has been duly demanded by a demand note to be served in like manner as the notice in this section referred to, give or cause to be given a notice in the form numbered ten set forth in the schedule to this Act to every such occupier.

Any overseer who shall wilfully withhold such notice with intent to keep such occupier off the register of municipal voters for the said municipal borough, shall be deemed guilty of a breach of duty in the execution of the Registration Acts.

The notice shall be deemed to be duly given if delivered to the occupier, or left at his last or usual place of abode, or with some person on the premises in respect of which the rate is payable.

In case no such person can be found, then the notice under this section and the notice under section twenty-eight of the Representation of the People Act, 1867, in respect of any premises situate wholly or partly within the area of a municipal borough to which this Act applies, shall be deemed to be duly given if affixed upon some conspicuous part of the premises.

Section twenty-nine of the Representation of the People Act, 1867, shall extend and be applicable to every parish or township situate wholly or partly within a municipal borough under this Act.

8. The overseers of every parish or township situate wholly or partly within the area of a municipal borough to which this Act applies shall, on or before the last day of July in every year, in lieu of the list which they are by the Registration Acts required to make out or cause to be made out of all persons entitled in respect of any right conferred by the Reform Act, 1832, or by section three of the Representation of the People Act, 1867, to vote in the election of a member or members to serve in Parliament for the parliamentary borough with which such municipal borough is co-extensive or in which the whole or part of such municipal borough is included, in respect of the occupation of premises situate wholly or partly within the area common to such municipal borough and to such

Preparation of lists of parliamentary and municipal voters (occupiers) within municipal boroughs under this Act.

A.D. 1876: parish or township, make out or cause to be made out a list of all such persons and all persons entitled to be registered as municipal voters for such municipal borough under the provisions of the Municipal Corporation Acts in respect of the occupation of premises situate wholly or partly within the area common to such municipal borough and to such parish or township in manner following; that is to say,

(1.) The list shall be framed in three divisions, as follows :

Division one shall comprise the names of all persons entitled in respect of any right conferred by the Reform Act, 1832, or by section three of the Representation of the People Act, 1867, to vote in the election of a member or members to serve in Parliament for the parliamentary borough in respect of the occupation of premises situate wholly or partly within the area common to such municipal borough and to such parish or township, and at the same time entitled to be registered as municipal voters for such municipal borough in respect of the occupation of premises situate wholly or partly within the area common to such municipal borough and to such parish or township :

Division two shall comprise the names of all persons entitled in respect of any right conferred by the Reform Act, 1832, or by section three of the Representation of the People Act, 1867, to vote in the election of a member or members to serve in Parliament for the parliamentary borough in respect of the occupation of premises situate wholly or partly within the area common to such municipal borough and to such parish or township, but not entitled to be registered as municipal voters for such municipal borough in respect of the occupation of premises situate as aforesaid :

Division three shall comprise the names of all persons entitled to be registered as municipal voters for such municipal borough in respect of the occupation of premises situate wholly or partly within the area common to such municipal borough and to such parish or township, but not entitled in respect of any right conferred by the Reform Act, 1832, or by section three of the Representation of the People Act, 1867, to vote in the election of a member or members to serve in Parliament for the parliamentary

borough in respect of the occupation of premises situate A.D. 1876.
as aforesaid :

- (2.) The list shall be according to the form numbered three in the schedule to this Act :
- 5 (3.) The names in each division of the list shall be arranged alphabetically according to surnames, and as to division one without duplication of names :
- 10 (4.) In each division the christian name and surname of every person inserted shall be written at full length, together with the place of his abode and the nature of his qualification, and the name of the street, lane, or place, and the number of the house, if any, or other description of the situation of the premises or property conferring the qualification :
- 15 (5.) The list shall be styled the list of parliamentary and municipal voters (occupiers) within the area to which it relates :
- 20 (6.) The list may be framed according to convenience for use in parts for polling districts or wards, and, where the polling districts or wards are not conterminous, in such parts as that the same may be conveniently compiled or put together to serve either as lists for polling districts or as ward lists.

9. So much of section thirteen of the Parliamentary Electors Registration Act, 1843, as relates to the signing of the lists of voters, and to the making, publishing, and keeping for inspection copies thereof, and to the delivery of copies thereof to persons requiring the same, shall apply to every list of parliamentary and municipal voters (occupiers) under this Act.

Signing of lists, and making, publishing, keeping for inspection, and delivery of copies thereof.

30 10. Every person whose name shall have been omitted in any list of parliamentary and municipal voters (occupiers) under this Act, and who shall claim as having been entitled on the last day of July then next preceding to have his name inserted in such list ; and every person whose name shall have been inserted in such list
35 and who shall claim as having been entitled on the last day of July then next preceding to have his name inserted in any division other than the division in which his name appears of such list ; and every person whose name shall have been inserted in such list, and who shall be desirous of being registered for a different
40 qualification than that for which his name appears in such list, shall, on or before the twenty-fifth day of August in that year, give

Persons whose names are omitted from the list or inserted in the wrong division or by wrong qualification to give notice, and list of such persons to be made.

A.D. 1876. or cause to be given a notice according to the form numbered five in the schedule to this Act or to the like effect to the overseers of that parish or township in the list whereof he shall claim to have his name inserted or transposed or the description of his qualification altered, and the overseers shall include the names of all persons so claiming as aforesaid in a list, according to the form numbered six in the said schedule.

Persons
named in
list and
claimants
may inspect
rate books.

11. It shall be lawful for any person whose name shall have been inserted in any list of parliamentary and municipal voters (occupiers) under this Act, or for any person who shall have claimed to have his name inserted in any such list, upon request made by such person at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day except Sunday, between the tenth day of August and the last day of August, to any overseer or other officer having the custody of any poor rate book, to inspect such poor rate book, and make extracts therefrom for any purpose relating to any claim or objection made or intended to be made by or against such person, and every such overseer or other officer as aforesaid is hereby required, upon such request as aforesaid, to permit such inspection and the making of such extracts without payment of any fee.

Persons
named in list
may be
objected to,
&c.

12. Any person whose name shall have been inserted in any list of parliamentary and municipal voters (occupiers) under this Act as a parliamentary voter, may be objected to by any other person whose name may appear on any list, whether made out under this Act or under the Registration Acts, for the same parliamentary borough as a parliamentary voter, on the ground of the person so objected to not having been entitled on the last day of July next preceding to have his name so inserted.

And any person whose name shall have been inserted in any list of parliamentary and municipal voters (occupiers) under this Act as a municipal voter may be objected to by any other person whose name may appear on any such list for the same municipal borough as a municipal voter, on the ground of the person so objected to not having been entitled on the last day of July next preceding to have his name so inserted.

And every person so objecting shall, on or before the twenty-fifth day of August in that year, give or cause to be given a notice according to the form numbered seven in the schedule to this Act or to the like effect to the overseers who shall have made out the list in which the name of the person so objected to shall have been

inserted, and every person so objecting shall also give or cause to be left at the place of abode of the person objected to as stated in the said list a notice according to the form numbered eight in the said schedule, and every notice of objection shall be signed by the
5 person objecting.

The overseers in respect of an area to which this Act applies shall include the names of all persons so objected to as aforesaid, of which objections the said overseers shall have received notice in a list according to the form numbered nine in the schedule to
10 this Act.

13. Divisions one and two of every list of parliamentary and municipal voters (occupiers) under this Act shall, for the purpose of enabling every person whose name is inserted therein as a parliamentary voter to object to any other person whose name is inserted
15 as a parliamentary voter in any other list of voters, whether made out under this Act or under the Registration Acts, for the same parliamentary borough, be deemed lists of voters for such borough under the Registration Acts; and section seventeen of the Parliamentary Electors Registration Act, 1843, shall extend to the case
20 of an objection made by any person whose name shall have been inserted as a parliamentary voter in a list of parliamentary and municipal voters (occupiers) to any other person whose name shall have been inserted as a parliamentary voter in any list of voters for the same parliamentary borough, whether such list of voters was
25 made out under this Act or under the Registration Acts.

Persons named in divisions one and two may object to persons named in other lists of parliamentary voters.

14. The said overseers in respect of an area to which this Act applies shall sign each of the said lists of persons objected to and of claimants as aforesaid, and cause copies thereof to be written or printed, and shall publish within the said area the said list of
30 persons objected to and the said list of claimants as aforesaid on or before the first day of September in the said year, and shall keep copies of such lists, and shall allow the same and also the notices of objection which they shall have received to be perused by any person without payment of any fee at any time between
35 ten of the clock in the forenoon and four of the clock in the afternoon of any day except Sunday, during the first fourteen days of September in the said year, and shall deliver copies of each of such lists to any person requiring the same on payment of a price for each copy after the rate specified in the table numbered one in the
40 Schedule D. to the Parliamentary Electors Registration Act, 1843.

Lists of persons objected to and of claimants to be signed and published, &c.

15. The said overseers in respect of an area to which this Act applies shall, on or before the twenty-ninth day of August in every
Overseers to deliver copies

A.D. 1876. year, deliver to the town clerk of such municipal borough a copy
of lists to of the lists of parliamentary and municipal voters (occupiers) made
town clerk. out by them as aforesaid, and a copy of the said list of persons who
shall have claimed as aforesaid, and a copy of the said list of persons
objected to as aforesaid. 5

Publication of lists, &c. 16. The provisions contained in sections twenty-three, twenty-
four, twenty-five, twenty-six, twenty-seven, thirty-one, and thirty-
five of the Parliamentary Electors Registration Act, 1843, relating
to the publication of lists and notices and otherwise shall apply to
the lists of parliamentary and municipal voters (occupiers) and 10
other lists, and to notices under this Act.

Opposition to claims. 17. The right given by section thirty-nine of the Parliamentary
Electors Registration Act, 1843, to oppose the claim of any person
claiming to have his name inserted in any list of voters shall apply
to every claim for insertion on any list of parliamentary and muni- 15
cipal voters (occupiers) under this Act, and shall be extended to
the claim of any person claiming to have his name transposed in
any such list, and shall, as regards opposition to a claim in respect
of a parliamentary vote, be exerciseable by any person on any list
of voters as a parliamentary voter for the parliamentary borough, 20
and as regards opposition to a claim in respect of a municipal vote
be exerciseable by any person on any list as a municipal voter for
the municipal borough.

Divisions one and two of every list of parliamentary and muni-
cipal voters (occupiers) under this Act shall, for the purpose of 25
enabling every person whose name is inserted therein as a parlia-
mentary voter to oppose the claim of any other person claiming to
have his name inserted as a parliamentary voter in any other list
of voters, whether made out under this Act or under the Registra-
tion Acts, for the same parliamentary borough, be deemed lists of 30
voters for such borough under the Registration Acts; and section
thirty-nine of the Parliamentary Electors Registration Act, 1843,
shall apply to the opposition by any person whose name shall have
been inserted as a parliamentary voter in a list of parliamentary
and municipal voters (occupiers) under this Act to the claim of 35
any other person to be inserted as a parliamentary voter in any
list of voters for the same parliamentary borough, whether such list
of voters was made out under this Act or under the Registration
Acts.

Revision by revising bar- 18. Every list of parliamentary and municipal voters (occu- 40
rister. piers) within the area of a municipal borough under this Act

shall be revised by the revising barrister for the time being authorised under the Registration Acts to revise the list of voters for the parliamentary borough with which such municipal borough is co-extensive, or in which the whole or part of such municipal
5 borough is included, in the manner and with and subject to all the powers, provisions, and rights of appeal prescribed by the Registration Acts for the revision of the lists of voters in such parliamentary borough, with the following modifications; that is to say,

- (1.) Such revising barrister shall insert in the proper division of
10 such list of parliamentary and municipal voters (occupiers) the name of every person omitted who shall be proved to the satisfaction of such barrister to have given due notice of his claim to be inserted in such list, and to have been
15 entitled on the last day of July then next preceding to have his name inserted in such division in respect of the qualification described in such notice of claim, and shall transpose from any division of such list to any other division of such list the name of every person inserted in such
20 list who shall be proved to the satisfaction of such barrister to have given due notice of his claim to have his name inserted or transposed in such list, and to have been entitled on the last day of July then next preceding to have his name inserted in the division to which his name
25 is so transposed in respect of the qualification described in such notice of claim, and shall expunge the name of the claimant from the division (if any) or from the list (if any), as the case may be, in which the name is inserted and in which, according to the decision of the revising barrister on the claim, the name should not be inserted :
- 30 (2.) A claim to be inserted, either originally or by way of transposition, in one division of any list of parliamentary and municipal voters (occupiers) under this Act, shall hold
35 good as a claim to be inserted in or transposed to any other division of such list, in respect of the qualification described in the notice given to the overseers by whom such list was made out of the claim :

A claim in respect of a parliamentary vote shall hold good for any list which has been made out by the overseers to whom notice of the claim has been given, and which is
40 applicable to the qualification described in the notice of claim :

A.D. 1876.

- (3.) The revising barrister, for giving effect to his decision in the case of any name objected to, shall insert the name in the division, if any, in which, according to his decision, it should be inserted by way of transposition from another division, and shall expunge the name from the division 5 (if any) in which it is inserted, and from which, according to his decision, it should be expunged either absolutely or by way of transposition to another division of the list :
- (4.) The last day for holding the court of revision for the revision of any list of parliamentary and municipal voters 10 (occupiers) under this Act, shall be the fifteenth of October :
- (5.) Every revised list of parliamentary and municipal voters (occupiers) under this Act shall be forthwith signed by the revising barrister, and delivered by him to the town 15 clerk of the municipal borough to the area of which it relates, who shall keep the same.

Divisions one and two of revised lists to be used for parliamentary register.

19. Divisions one and two of every revised list of parliamentary and municipal voters (occupiers) within the area common to any municipal borough, and to any parish or township under this Act 20 shall, when signed by the revising barrister as aforesaid, be deemed and be the revised list under the Registration Acts of persons entitled in respect of any right conferred by the Reform Act, 1832, or by section three of the Representation of the People Act, 1867, to vote in the election of a member or members to serve in Par- 25 liament for the parliamentary borough with which such municipal borough is co-extensive, or in which the whole or part of such municipal borough is included, in respect of the occupation of premises situate wholly or partly within the area common to such municipal borough and to such parish or township, and the said 30 divisions one and two shall be used and dealt with and take effect accordingly, and the register of parliamentary voters made up from the said divisions one and two and from the other revised lists of parliamentary voters for the said parliamentary borough shall come into operation on the first day of January next after the revision, 35 and shall continue in operation for the year commencing with such first day of January.

Divisions one and three of revised list to be used for municipal register.

20. Divisions one and three of every revised list of parliamentary and municipal voters (occupiers) within the area common to any municipal borough, and to any parish or township under this Act 40 shall, when signed by the revising barrister as aforesaid, be deemed

and be the revised burgess list under the Municipal Corporation A.D. 1876.

Acts, of persons entitled to be enrolled as burgesses of such municipal borough in respect of the occupation of premises situate wholly or partly within the area common to such municipal borough and
5 to such parish or township, and the said divisions one and three shall be used and dealt with, and take effect accordingly, and the burgess roll made up from the said divisions one and three shall come into operation on the first day of November next after the revision, and shall continue in operation for the year commencing
10 with such first day of November.

21. In copying and printing divisions one and two under the Registration Acts and divisions one and three under the Municipal Corporation Acts of the said revised lists, the two divisions in each set may be combined or kept separate, and may be arranged according to convenience for use in parts for polling districts or wards,
15 and, where the polling districts or wards are not conterminous, in such parts as that the same may be conveniently compiled or put together to serve either as lists for polling districts or as ward lists; and the names may be distinguished by a number alone or in combination with a letter or other distinguishing mark according to the
20 parts, and any arrangement may be adopted according to convenience so that one edition or print of division one may be available for both sets.

22. The provisions of the Registration Acts as to the alteration or correction of the register in pursuance of any judgment or order of the court of appeal shall apply to the alteration or correction of the burgess roll of a municipal borough under this Act, except that the notice of the judgment or order shall be given to the town clerk having the custody of the burgess roll, and the alteration
25 or correction shall be made by him.

23. In every municipal borough under this Act the separate lists of persons not entitled to a municipal vote, but entitled to be elected a councillor or alderman of such borough, required to be made out and published in such borough in every year under the
35 Municipal Corporation Acts, shall be made out and published at the same time and in the same manner and with the same provisions as to objections and claims, and be revised in the same manner as the lists of parliamentary and municipal voters (occupiers), and when so revised shall be delivered to the town clerk and copied as a separate list at the end of the burgess roll for
40 such municipal borough.

- A.D. 1876. **24.** From and after the commencement of this Act none of the provisions in the Municipal Corporations Acts contained for the preparation and revision of burgess lists shall take effect in any municipal borough under this Act, but nothing in this Act shall affect any existing burgess roll. 5
- Burgess lists and rolls.
- Expenses. **25.** One half of the expenses properly incurred in carrying into effect the provisions of this Act by the town clerk of a municipal borough, and by the overseers of parishes or townships situate wholly or partly within such borough, shall be defrayed in the manner prescribed by the Registration Acts as expenses incurred thereunder, and the remaining half of such expenses shall be defrayed in the manner prescribed by the Municipal Corporations Acts as expenses incurred thereunder. 10
- Service of notices. **26.** The provisions of section one hundred and one of the Parliamentary Electors Registration Act, 1843, as to the service of notices shall apply to the service of notices under this Act. 15
- Commencement of Act. **27.** This Act shall commence upon the first day of May in the year one thousand eight hundred and seventy-seven.
- Interpretation. **28.** In this Act—
The expression “The Reform Act, 1832,” shall mean the Act of the second year of the reign of King William the Fourth, chapter forty-five, intituled “An Act to amend the representation of the people in England and Wales :” 20
The expression “Municipal Corporations Acts” shall mean the Act of the session of the fifth and sixth years of King William the Fourth, chapter seventy-six, intituled “An Act to provide for the regulation of Municipal Corporations in England and Wales,” and the Acts amending the same : 25
The expression “The Parliamentary Electors Registration Act, 1843,” shall mean the Act of the session of the sixth and seventh years of the reign of Her Majesty, chapter eighteen, intituled “An Act to amend the Law for the Registration of Persons entitled to Vote, and to define certain rights of Voting, and to regulate certain Proceedings in the Election of Members to serve in Parliament for England and Wales :” 30
The expression “Registration Acts” shall mean the Parliamentary Electors Registration Act, 1843, and any Acts or parts of Acts relating to the registration of persons entitled to vote at and proceedings in the election of members to serve in Parliament for England and Wales : 40

The expression "parliamentary borough" shall mean any borough, city, county of city, county of a town, place, or combination of places, returning a member or members to serve in Parliament, and not being a county at large, or riding, part, or division of a county at large : A.D. 1876.

5

The expression "municipal borough" shall mean any place for the time being subject to the Municipal Corporation Acts :

10

The expression "municipal voter" shall mean a person duly enrolled on the burgess roll of a municipal borough within the meaning of the Municipal Corporation Acts and entitled to vote at the election of any person to serve the office of councillor, auditor, or assessor of such municipal borough, or of councillor for a ward of such municipal borough, and expressions referring to the registration of municipal voters shall refer to the enrolment of burgesses on the burgess roll within the meaning of the Municipal Corporation Acts.

15

The other terms used in this Act shall, so far as is consistent with the context, have the same meaning as in the Registration Acts.

20

29. This Act, so far as is consistent with the tenor thereof, shall be construed as one with the Registration Acts.

Act to be
construed
with Regis-
tration Acts.

30. This Act shall not extend to Scotland or Ireland.

Act not to
extend to
Scotland or
Ireland.

A.D. 1876.

The SCHEDULE.

FORM No. 1.

PRECEPT OF THE TOWN CLERK TO THE OVERSEERS.

Parliamentary Borough } To the overseers of the poor of the parish of
of }
Municipal Borough of } [or, to the overseers of the poor 5
to wit. } of the township of]

IN pursuance of the Borough Registration Act, 1876, I require your attention to the following :

Instructions.

10

On or before the twentieth day of June you are to publish within your parish [or township] [or if part only of the parish or township is situate within the area of the municipal borough, within the area common to this municipal borough and to your parish (or township)] a notice signed by you, according to the form marked 15 number two among the printed forms herewith sent.

The manner in which you are required to publish that notice is as follows ; (that is to say,) you are required to fix one of the printed copies (each copy being first signed by you) on or near the outside of the outer door or of the outer wall near the door of every 20 church and public chapel in your parish [or township] [or if part only of the parish or township is situate within the area of the municipal borough, in the area common to this municipal borough and to your parish (or township)], including chapels which do not belong to the Established Church, or if there should be no such 25 church or chapel, then, in some public and conspicuous situation in such area, and it must remain there during a period including two Sundays at least.

On or before the last day of July you are to make out, according to the form marked number three among the printed forms herewith 30 sent, a list in three divisions, each arranged alphabetically according to surnames, of all persons who may be entitled in respect of any right conferred by the Reform Act, 1832, being the Act of the second year of the reign of King William the Fourth, chapter forty-five, or by section three of the Representation of the People Act, 35

A.D. 1876.

1867, to vote in the election of a member [*or members*] to serve in Parliament for this parliamentary borough, in respect of the occupation of premises situate wholly or partly within your parish [*or township*] [*or if part only of the parish or township is situate within*
5 *the area of the municipal borough* within the area common to this municipal borough and to your parish (*or township*)], and who may be entitled to be registered as municipal voters for this municipal borough in respect of the occupation of premises situate wholly or partly within your parish [*or township*] [*or if part only*
10 *of the parish or township is situate within the area of the municipal borough* within the area common to this municipal borough and to your parish (*or township*)], of which divisions,

Division one shall comprise the names of persons entitled in respect of any right conferred by the said Reform Act, 1832, or by
15 section three of the Representation of the People Act, 1867, to vote in the election of a member [*or members*] to serve in Parliament for this parliamentary borough in respect of the occupation of premises situate wholly or partly within your parish [*or township*], [*or if part only of the parish or township is situate within the*
20 *area of the municipal borough* within the area common to this municipal borough and to your parish (*or township*)], and at the same time entitled to be registered as municipal voters for this municipal borough, in respect of the occupation of premises situate wholly or partly within your parish [*or township*] [*or if part only*
25 *of the parish or township is situate within the area of the municipal borough* within the area common to this municipal borough and to your parish (*or township*)].

And division two shall comprise the names of persons entitled in respect of any right conferred by the said Reform Act, 1832, or by
30 section three of the Representation of the People Act, 1867, to vote in the election of a member [*or members*] to serve in Parliament for this parliamentary borough in respect of the occupation of premises situate wholly or partly within this parish [*or township*] [*or if part only of the parish or township is situate within the area*
35 *of the municipal borough* within the area common to this municipal borough and to this parish (*or township*)], but not entitled to be registered as municipal voters for this municipal borough in respect of the occupation of premises situate as aforesaid.

And division three shall comprise the names of persons entitled
40 to be registered as municipal voters for this municipal borough in respect of the occupation of premises situate wholly or partly within

A.D. 1876

your parish [*or township*] [*or if part only of the parish or township is situate within the area of the municipal borough* within the area common to this municipal borough and to the said parish (*or township*)], but not entitled in respect of any right conferred by the said Reform Act, 1832, or by section three of the Representation of the People Act, 1867, to vote in the election of a member [*or members*] to serve in Parliament for this parliamentary borough in respect of the occupation of premises situate as aforesaid. 5

And on or before the last day of July you are to make out, according to the form marked number four among the printed forms herewith sent, a list arranged alphabetically according to surnames, of all other persons (freemen excepted) who may be entitled in respect of any rights other than those conferred by the said Reform Act, 1832, or by the Representation of the People Act, 1867, to vote in the election of a member [*or members*] to serve in Parliament for this parliamentary borough. 15

And in making out each of the said lists you must write or cause to be written the christian name and surname of every such person at full length, together with the place of his abode, and the nature of his qualification, and when the qualification of any person shall be in respect of any property, you must state the name of the street, lane, and number of the house, if any, or other description of the place where such property may be situate. 20

And on or before the first day of August you are to publish written or printed copies of the said lists signed by you on every church or chapel within your parish [*or township*], [*or if part only of the parish or township is situate within the area of the municipal borough* within the area common to this municipal borough and to your parish (*or township*)] in the same manner as before mentioned with regard to the notice. 25 30

You are to keep also a copy of such lists signed by you to be perused by any person, without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day except Sunday during the first fourteen days after the said lists shall have been published. 35

You are to make out a list according to the form marked number six among the printed forms herewith sent, containing the name of every person who shall have given or have caused to be given to you or any one of you, on or before the twenty-fifth day of August, his claim to have his name inserted or transposed in the list of parliamentary and municipal voters (occupiers) within your parish 40

- [or township] [*or if part only of the parish or township is situate within the area of the municipal borough* within the area common to this municipal borough and to your parish (*or township*)], or his claim to have his name inserted in the list for your parish [*or*
- 5 township] [*or if part only of the parish or township is situate within the area of the municipal borough* for the area common to this municipal borough and to your parish (*or township*)] of persons (freemen excepted) entitled in respect of any rights other than those conferred by the said Reform Act, 1832, or by the Representation of the People Act, 1867, to vote in the election of a member
- 10 [*or members*] to serve in Parliament for this parliamentary borough; and also another list according to the form marked number nine among the printed forms herewith sent, containing the name of every person against whom a notice of objection
- 15 shall have been given to you or any one of you, on or before the twenty-fifth day of August, as not being entitled to have his name retained in any list or in a division of any list for your parish [*or township*] [*or if part only of the parish or township is situate within the area of the municipal borough* for the
- 20 area common to this municipal borough and to your parish (*or township*)]; and also another list according to the form prescribed by the Representation of the People Act, 1867, in that behalf containing the particulars of the claims received by you from persons desirous of being registered as voters to vote in the
- 25 election of a member [*or members*] to serve in Parliament for this parliamentary borough in respect of the occupation of lodgings within your parish [*or township*] [*or if part only of the parish or township is situate within the area of the municipal borough* within the area common to this municipal borough and to your parish (*or*
- 30 township)], and on or before the first day of September you are to sign and publish each of such lists on every church or chapel in your parish [*or township*] [*or if part only of the parish or township is situate within the area of the municipal borough* in such area] in the same manner as before mentioned with regard to the notice.
- 35 You are to keep a copy of these lists signed by you, and you are to allow the same and also the notices of objection to be perused by any person without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day except Sunday during the
- 40 first fourteen days of September, both inclusive, and you are to deliver a copy of each of such lists to any person requiring the same, on the payment of a price for each copy after the rate contained in

A.D. 1876. the table numbered one in Schedule (D.) to the Parliamentary Electors Registration Act, 1843, being the Act of the sixth year of the reign of Her Majesty Queen Victoria, chapter eighteen.

If you shall find any such notice, list, register, or other document published by you as aforesaid, to be destroyed, mutilated, effaced, or 5 removed, you are forthwith to place another in its room to the same effect.

On or before the twenty-ninth day of August you are to deliver to me a copy of the lists of voters, a copy of the lists of claimants, and a copy of the list of persons objected to, so respectively made 10 out and signed by you as aforesaid.

You are to attend the court to be holden for the revision of the list of voters for this parliamentary borough and municipal borough, of the time of holding which notice will be given; and at the opening of such court you are there to deliver to the barrister before 15 whom the same shall be holden the several lists made out by you and signed by you, and the original notices of objection and the original notices of claims given to you.

Herein if you fail you will be liable to the penalties in that case provided. 20

Given under my hand this day of one thousand eight hundred

(Signed) A.B.,
Town Clerk for the said Municipal Borough.

No. 2. 25

Parliamentary Borough } WE hereby give notice that no person will
of }
Municipal Borough of } be entitled to have his name inserted in any
to wit } list of voters as a parliamentary voter for the
parliamentary borough of , or in
any list of voters as a municipal voter for the municipal borough of 30

now about to be made in respect of the occupation of premises situate wholly or partly within this parish [or township] [or if part only of the parish or township is situate within the area of the municipal borough within the area common to the said municipal borough and to this parish (or township)] 35 unless he shall have paid on or before the twentieth day of July all the poor rates which have become due from him in respect of such premises up to the fifth day of January last past:

Nor to have his name inserted as a parliamentary voter in respect of any right conferred by the Reform Act, 1832, being the Act 40

of the second year of the reign of King William the Fourth, A.D. 1876.
chapter forty-five, in respect of such occupation in any list now
about to be made of parliamentary voters for the said parliamentary
borough, unless he shall have paid on or before the twentieth day of
5 July all the assessed taxes which have become due from him in
respect of such premises up to the fifth day of January last past:

Nor to have his name inserted as a municipal voter in respect of such occupation in any list now about to be made of municipal voters for the said municipal borough, unless he shall have paid on 10 or before the twentieth day of July all the borough rates (if any) which have become due from him in respect of such premises up to the fifth day of January last past :

And all persons who omit to make such payments respectively will be incapable of being upon the next register of parliamentary
15 voters for the parliamentary borough of _____, or upon the
next register of municipal voters for the municipal borough of _____,
as the case may be, in respect of such occupation.

Dated this day of

20 (Signed) *A.B.* } Overseers of the parish
C.D. } [or township] of
E.F. }

No. 3.

Parliamentary Borough of
 of
 25 Municipal Borough of } THE LIST OF PARLIAMENTARY AND MUNI-
 to wit } CIPAL VOTERS (OCCUPIERS) comprising the
 names of persons entitled in respect of any
 right conferred by the Reform Act, 1832, being the Act of the second
 year of the reign of King William the Fourth, chapter forty-five,
 or by section three of the Representation of the People Act, 1867,
 30 to vote in the election of a member [*or members*] to serve in Par-
 liament for the parliamentary borough of in respect of
 the occupation of premises situate wholly or partly within the parish
 [*or township*] of [*or if part only of the parish or*
township is situate within the area of the municipal borough within
 35 the area common to the municipal borough of and to
 the parish (*or township*) of], and the names of
 persons entitled to be registered as municipal voters for the muni-
 cipal borough of in respect of the occupation of
 premises situate wholly or partly within the parish [*or township*] of
 40 [*or if part only of the parish or township is situate*

A.D. 1876. *within the area of the municipal borough* within the area common to the municipal borough of and to the parish (or township) of] in three divisions, that is to say :

Division one, comprising the names of persons entitled in respect of any right conferred by the said Reform Act, 1832, or by section 5 three of the Representation of the People Act, 1867, to vote in the election of a member [or members] to serve in Parliament for the parliamentary borough of in respect of the occupation of premises situate wholly or partly within the parish [or township] of [or if part only of the 10
parish or township is situate within the area of the municipal borough within the area common to the municipal borough of and to the parish (or township) of], and at the same time entitled to be registered as municipal voters for the municipal borough of , in respect of the occu- 15
pation of premises situate wholly or partly within the said parish [or township] [or if part only of the *parish or township is situate within the area of the municipal borough* within the area common to the said municipal borough and to the said parish (or township)].

And division two, comprising the names of persons entitled in 20 respect of any right conferred by the said Reform Act, 1832, or by section three of the Representation of the People Act, 1867, to vote in the election of a member [or members] to serve in Parliament for the said parliamentary borough in respect of the occupation of premises situate wholly or partly within the said parish [or town- 25
ship] [or if part only of the *parish or township is situate within the area of the municipal borough* within the area common to the said municipal borough and to the said parish (or township)], but not entitled to be registered as municipal voters for the said municipal borough in respect of the occupation of premises situate as aforesaid. 30

And division three, comprising the names of persons entitled to be registered, as municipal voters for the said municipal borough in respect of the occupation of premises situate wholly or partly within the said parish [or township] [or if part only of the *parish or township is situate within the area of the municipal borough* 35
within the area common to the said municipal borough and to the said parish (or township)], but not entitled in respect of any right conferred by the said Reform Act, 1832, or by section three of the Representation of the People Act, 1867, to vote in the election of a member [or members] to serve in Parliament for the said parlia- 40
mentary borough in respect of the occupation of premises situate as aforesaid.

Division One.—Voters, both Parliamentary and Municipal.

A.D. 1876.

5

Christian Name and Surname of each Voter at full length.	Place of Abode.	Nature of Qualification.	Street, lane, or other place in this Parish [<i>or</i> Township] where the property is situate, and number of the house, if any.

Division Two.—Voters, Parliamentary only.

10

Christian Name and Surname of each Voter at full length.	Place of Abode.	Nature of Qualification.	Street, lane, or other place in this Parish [<i>or</i> Township] where the property is situate, and number of the house, if any.

Division Three.—Voters, Municipal only.

15

Christian Name and Surname of each Voter at full length.	Place of Abode.	Nature of Qualification.	Street, lane, or other place in this Parish [<i>or</i> Township] where the property is situate, and number of the house, if any.

(Signed)

A.B.
C.D.
E.F.

} Overseers of the
parish [*or* town-
ship] of

No. 4.

20

The list for the parish [*or* township] of

[*or if*
part only of the parish or township is situate within the area of the
municipal borough for the area common to the municipal borough
of

and to the parish (*or* township) of

] of all
persons (freemen excepted) entitled in respect of any rights other
[294.]

C 3

A.D. 1876.

than those conferred by the Reform Act, 1832, being the Act of the second year of the reign of King William the Fourth, chapter forty-five, or by the Representation of the People Act, 1867, to vote in the election of a member [*or members*] to serve in Parliament for the parliamentary borough of

5

Christian Name and Surname of each Voter at full length.	Place of Abode.	Nature of Qualification.	Street, lane, or other place in this Parish [<i>or Township</i>] where the property is situate, and number of the house (if any) [<i>when the right of voting depends on property</i>].	10

(Signed)

A.B.
C.D.
E.F.

} Overseers of the parish
[*or township*] of

NOTICE OF CLAIM.

Parliamentary Borough
of
Municipal Borough of

} of

To the overseers of the parish [*or township*]
I hereby give you notice that I claim to have
my name inserted in [*or transposed from division* to] 20
division of the list made by you of parliamentary
and municipal voters (occupiers) within the parish [*or township*]
of [*or if part only of the parish or township is*
situate within the area of the municipal borough within the area
common to the municipal borough of and to the 25
parish (*or township*) of], [*or inserted in the list*
made by you for the parish (*or township*) of , *or if part*
only of the parish or township is situate within the area of the
municipal borough for the area common to the municipal borough
of and to the parish (*or township*) of 30
of persons (freemen excepted) entitled in respect of any rights other
than those conferred by the Reform Act, 1832, being the Act of the
second year of the reign of King William the Fourth, chapter forty-
five, or by the Representation of the People Act, 1867, to vote in
the election of a member (*or members*) to serve in Parliament 35
for the parliamentary borough of] and that the

particulars of my qualification and place of abode are stated in the columns below. A.D. 1876.

Dated this day of one thousand eight hundred and .

5

Christian Name and Surname of the Claimant at full length.	Place of Abode.	Nature of Qualification.	Street, lane, or other place in the Parish [or Township] where the property is situate, and number of the house (if any) [when the right of voting depends on property].
10			

(Signed) G.H.

No. 6.

LIST OF CLAIMANTS TO BE PUBLISHED BY THE OVERSEERS.

15

Parliamentary Borough of
Municipal Borough of

The following persons claim to have their names inserted or transposed in the list of parliamentary and municipal voters (occupiers) within the parish [or township] of [or if part only of the parish or township is situate within the area of the municipal borough within the area common to the municipal borough of and to the parish (or township) of] or claim to have their names inserted in the list for the parish (or township) of [or if part only of the parish or township is situate within the area of the municipal borough for the area common to the municipal borough of and to the parish (or township) of] of persons (freemen excepted) entitled in respect of any rights other than those conferred by the Reform Act, 1832, being the Act of the second year of the reign of King William the Fourth, chapter forty-five, or by the Representation of the People Act, 1867, to vote in the election of a member (or members) to serve in Parliament for the parliamentary borough of

20

25

30

35

Christian name and Surname of each Claimant at full length.	Place of Abode.	Nature of Qualification.	Street, lane, or other place in this Parish [or Township] where the property is situate, and number of the house (if any) [when the right of voting depends on property].	List and division, if any, of the list of Voters in which the Claimant's name appears.	List and division, if any, of the List of Voters for which the claim is made.

40

(Signed) A.B. }
C.D. } Overseers of the parish
E.F. } [or township] of

A.D. 1876.

No. 7.

NOTICE OF OBJECTION.

To the overseers of the parish [*or* township] of _____ [*or*
to the town clerk of the municipal borough of _____, *or*
otherwise as the case may be]. 5

Parliamentary Borough } I hereby give you notice that I object to the
of } name of _____ being retained in division
Municipal Borough of } (or in any division) of the list of par-
to wit } liamentary and municipal voters (occupiers) within the parish [*or*
township] of _____ [*or if part only of the parish or township* 10
is situate within the area of the municipal borough within the area
common to the municipal borough of _____ and to the parish (*or*
township) of _____] [*or* being retained in the list made by the
overseers of the parish (*or* township) of _____ for the said
parish (*or* township) *or if part only of the parish or township is* 15
situate within the area of the municipal borough for the area com-
mon to the municipal borough of _____ and to the said
parish (*or* township) of persons (freemen excepted) entitled in respect
of any rights other than those conferred by the Reform Act, 1832,
being the Act of the second year of the reign of King William the 20
Fourth, chapter forty-five, or by the Representation of the People
Act, 1867, to vote in the election of a member (*or* members) to
serve in Parliament for the parliamentary borough of _____] [*or*
being retained in the list made by the town clerk of _____,
or otherwise as the case may be, of freemen entitled to vote in the 25
election of a member (*or* members) to serve in Parliament for the
parliamentary borough of _____].

Dated this _____ day of _____

(Signed) A.B., of [place of abode],

On the list of voters as a parliamentary voter for the said 30
parliamentary borough, and as a municipal voter for
the said municipal borough [*or* as a parliamentary
voter for the said parliamentary borough] [*or* as a
municipal voter for the said municipal borough] for
the parish [*or* township] of _____ [*or for the* 35
area common to the municipal borough of _____
and to the parish or township of _____].

NOTE.—If there is more than one list of voters, the notice of
objection should specify the list to which the objection refers, and
if the list contains two or more persons of the same name, the 40
notice should distinguish the person intended to be objected to.

FORM OF NOTICE OF OBJECTION TO BE GIVEN TO PARTY
OBJECTED TO.

To Mr. _____

5 Parliamentary Borough } I hereby give you notice that I object to your
of } name being retained in division _____ (or
Municipal Borough of } in any division) of the list of parliamentary and
to wit } municipal voters (occupiers) within the parish [or township]
of _____ [or if part only of the parish or township is situate
10 within the area of the municipal borough within the area common
to the municipal borough of _____ and to the parish (or
township) of _____], [or being retained in the list made by
the overseers of the parish (or township) of _____ for
the said parish (or township), or if part only of the parish or town-
15 ship is situate within the area of the municipal borough for the area
common to the municipal borough of _____ and to
the said parish (or township) of persons entitled in respect of any
rights other than those conferred by the Reform Act, 1832, being
the Act of the second year of the reign of King William the Fourth,
20 chapter forty-five, or by the Representation of the People Act, 1867,
to vote in the election of a member (or members) to serve in Par-
liament for the parliamentary borough of _____], [or
being retained in the list made by the town clerk of _____, or
otherwise as the case may be, of freemen entitled to vote in the
25 election of a member (or members) to serve in Parliament for the
parliamentary borough of _____].

Dated this _____ day of _____

(Signed) A.B., of [place of abode],

30 On the list of voters as a parliamentary voter for the said
parliamentary borough, and as a municipal voter for
the said municipal borough [or as a parliamentary
voter for the said parliamentary borough] [or as a
municipal voter for the said municipal borough] for
the parish [or township] of _____ [or for the
35 area common to the municipal borough of
and to the parish or township of _____].

A.D. 1876.

No. 9.

LIST OF PERSONS OBJECTED TO TO BE PUBLISHED BY THE
OVERSEERS.

Parliamentary Borough } The following persons have been objected
of }
Municipal Borough of } to as not being entitled to have their names 5
to wit } retained in some division or in any division
of the list of parliamentary and municipal voters (occupiers)
within the parish [or township] of [or if part only of
the parish or township is situate within the area of the municipal
borough within the area common to the municipal borough of 10
and to the parish (or township) of] or as
not being entitled to have their names retained in the list made by
the overseers of the said parish [or township] for the said parish
[or township] [or if part only of the parish or township is situate
within the area of the municipal borough for the area common to 15
the municipal borough of and to the said parish [or
township)] of persons (freemen excepted) entitled in respect of any
rights other than those conferred by the Reform Act, 1832, being
the Act of the second year of the reign of King William the Fourth,
chapter forty-five, or by the Representation of the People Act, 1867, 20
to vote in the election of a member [or members] to serve in
Parliament for the parliamentary borough of .

Christian Name and Surname of each Person ob- jected to.	Place of Abode.	Nature of the supposed Qualification.	Street, lane, or other place in the Parish [or Township] where the property is situate, and number of the house (if any) [when the right of voting depends on property].	List and division, if any, of List to which Objection is made	25

Signed A.B. }
C.D. } Overseers of the parish 30
E.F. } [or township] of

No. 10.

A.D. 1876.

To *A.B.*

Municipal Borough } Take notice, that you will not be entitled to
of } have your name inserted in the list of municipal
5 voters for this municipal borough now about to be made in respect
of the premises in your occupation in

[*street or place*] unless you
pay, on or before the twentieth day of July next, all the poor rates
and borough rates (if any) which have become due from you in
10 respect of such premises up to the fifth day of January last,
amounting to £., and if you omit to make such payment
you will be incapable of being in the next register of municipal
voters for this municipal borough.

Dated the day of June, one thousand eight
15 hundred and .

C.D. }
E.F. } Overseers,

or

G.H. Assistant Overseer,

or

I.K. Collector of the parish
[*or township*] of

Parliamentary and Municipal Registration (Boroughs).

A

B I L L

[AS AMENDED IN COMMITTEE, AND ON
RE-COMMITMENT]

To amend the Law relating to Parliamentary and Municipal Registration in certain Boroughs.

*(Prepared and brought in by
Mr. Marten, Mr. Torr, Mr. Birley, and
Mr. Dods.)*

*Ordered, by The House of Commons, to be Printed,
10 August 1876.*

[Bill 294.]

Under 4 oz.

Parliamentary Elections and Corrupt Practices Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.

1. Short title of Act.
-

PART I.

ELECTION PETITIONS.

Definitions.

2. Definition and jurisdiction of Court.
3. Provision as to Speaker.

Presentation and Service of Petition.

4. To whom and by whom election petition may be presented.
5. Regulations as to presentation of election petition.
6. Copy of petition on presentation to be sent to returning officer.
7. Recognizance may be objected to.
8. Determination of objection to recognizance.
9. List of petitions at issue to be made.

Trial of Petition.

10. Mode of trial of election petitions.
11. Applications to the Court respecting trials.
12. House of Commons to carry out report.
13. House of Commons may make order on special report.
14. Evidence of corrupt practices how received.
15. Vote given to person disqualified for corrupt practice not thrown away until reported guilty by election tribunal.
16. Acceptance of office not to stop petition.
17. Prorogation of Parliament.

[Bill 291.]

ii *Parliamentary Elections and Corrupt Practices.* [39 & 40 VICT.]

Proceedings:

Clause.

18. Form of petition.
19. Service of petition.
20. Joint respondents to petition.
21. Provision in cases where more than one petition is presented.
22. Shorthand writer to attend trial of election petition.

Jurisdiction and Rules of Court.

23. General rules to be made by election judges.
24. Practice of House of Commons to be observed.
25. Performance of duties by prescribed officer.

Reception, Expenses, and Jurisdiction of Judge.

26. Reception of judge.
27. Power of judge.
28. Attendance on judge.

Witnesses.

29. Summons of witnesses.
30. Judge may summon and examine witnesses.
31. Indemnity of witness before election judge.
32. Expenses of witnesses.

Withdrawal and Abatement of Election Petitions.

33. Withdrawal of petition and substitution of new petitioners.
34. Court to report to the Speaker circumstances of withdrawal.
35. Abatement of petition.
36. Admission in certain cases of voters to be respondents.
37. Respondent not opposing not to appear as party or to sit.
38. Provision for case of double return where the member complained of declines to defend his return.

Costs.

39. General costs of petition.
40. Recognizance, when to be estreated, &c.

Miscellaneous.

41. Returning officer may be sued for neglecting to return any person duly elected.

Clause.

- 42. Calculation of time.
- 43. Controverted elections to be tried under Act.
- 44. Returning officer if complained of to be respondent.
- 45. Petition complaining of no return.
- 46. Recrimination when petition for undue return.
- 47. Rules as to agents practising in cases of election petitions.

Application to Scotland of Part I. of Act.

- 48. Modifications in application of this part of the Act to Scotland.

Application to Ireland of Part I. of Act.

- 49. Modifications in application of this part of the Act to Ireland.

PART II.

ELECTION COMMISSIONERS.

*Appointment and powers of Commissioners for inquiring into
Corrupt Practices.*

- 50. Upon address of Houses of Parliament, Her Majesty may appoint Commissioners to make inquiry into corrupt practices at elections.
- 51. Qualification of Election Commissioners.
- 52. Election Commissioners to be sworn.
- 53. Power of Election Commissioners to appoint secretary and clerk.
- 54. Place of meeting.
- 55. Inquiry by Election Commissioners.
- 56. Reports to be laid before Parliament.
- 57. Power to send for persons and papers.
- 58. Indemnity of witness before Commissioners.
- 59. Election Commissioners to examine on oath, and penalty for false swearing.
- 60. Penalty for non-attendance or refusing to give evidence.
- 61. Expenses of witnesses.
- 62. Protection of Election Commissioners.
- 63. Limitation of actions.

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Expenses of Inquiry by Election Commissioners.

Clause.

- 64. Account of expenses of Commissioners.
- 65. Expenses of Election Commissioners to be paid out of rates.
- 66. Power of Treasury to advance money for payment of expenses.
- 67. Repayment of advances made by the Treasury.
- 68. Raising of money on default of local officer.

Application of this part of the Act to Scotland.

- 69. Modifications for application of part to Scotland.

Application of this part of the Act to Ireland.

- 70. Modification for application of part of Act to Ireland.

PART III.

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- 71. Bribery defined and made punishable.
- 72. Bribery further defined and made punishable.
- 73. Treating defined and made punishable.
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Avoidance of Election and disqualification for Corrupt Practices.

- 76. Punishment of candidate guilty of bribery.
- 77. Candidate declared guilty of bribery incapable of being elected during Parliament then in existence.
- 78. Punishment of candidates for employing corrupt agent.
- 79. Disqualification of persons found guilty of bribery.
- 80. Removal of disqualification on proof that disqualification was procured by perjury.
- 81. Vote to be struck off for bribery, treating, or undue influence.
- 82. Names of offenders to be struck out of register and inserted in separate list.

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- 83. No cockades, &c. to be given at elections.
- 84. Refreshment to voters on day of nomination or polling declared illegal.
- 85. Payment of expenses of conveying voters to the poll named.

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- 86. No payment to be made by candidates otherwise than through authorised agents.
- 87. Bills, &c. to be sent in within one month to agent, or right to recover barred.
- 88. As to publication of statement of election expenses.

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- 89. Saving for persons nominated without consent.

Legal Proceedings.

- 90. Prosecution of bribery by Attorney-General.
- 91. Institution of prosecution for personation by returning officer.
- 92. Limitation of time for prosecution of offence.
- 93. Court for trial of offences or recovery of penalties.
- 94. General allegations sufficient in indictments.
- 95. Costs and expenses of prosecutions.
- 96. Recovery of costs from private prosecutor, if judgment is given for defendant.
- 97. Prosecutor not to be entitled to costs unless he enters into a recognizance to conduct prosecution and pay costs.
- 98. In actions for penalties, parties, &c. to be competent witnesses.

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Miscellaneous.

- 99. Voters not to serve as special constables during elections.
- 100. Interpretation of terms.
- 101. Continuance of Act.
- 102. Repeal of Acts.

SCHEDULE.

A

B I L L

TO

Consolidate and amend the Law relating to Election A.D. 1876.
Petitions and the Inquiry into and Prevention of Corrupt
Practices at Parliamentary Elections.

WHEREAS it is expedient to consolidate and amend the law relating to election petitions and inquiry into the prevention of corrupt practices at Parliamentary elections :

Be it enacted by the Queen's most Excellent Majesty, by and
5 with the advice and consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
authority of the same, as follows :

Preliminary.

1. This Act may be cited for all purposes as the Parliamentary Short title
10 Elections Act, 1876. of Act.

PART I.

ELECTION PETITIONS.

Definitions.

2. "The Court" shall, for the purposes of this part of this Definition
15 Act, unless the context otherwise requires, mean Her Majesty's and juris-
High Court of Justice, and such Court shall, subject to the diction of
provisions of this Act, have the same powers, jurisdiction, and Court.
authority with reference to an election petition and the proceed- 31 & 32 Vict
ings thereon as it would have if such petition were an ordinary c. 125. s. 2.
20 cause within their jurisdiction, subject to the following proviso,
that the said powers, jurisdiction, and authority shall be exercised
by the Common Pleas division of the said Court, and the decision
of that division shall be final, and not subject to any appeal.

"General rules" means general rules made in pursuance of this "General
25 part of this Act. rules :"

"Prescribed" means prescribed by such general rules.

[Bill 291.]

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"Pre-
scribed."

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A.D. 1876. 3. For the purposes of this Act "Speaker" shall be deemed to include Deputy Speaker; and when the office of Speaker is vacant, the Clerk of the House of Commons, or any other officer for the time being performing the duties of the Clerk of the House of Commons, shall be deemed to be substituted for and to be included 5 in the expression "the Speaker."

Presentation and Service of Petition.

To whom and by whom election petition may be presented. 4. A petition complaining of an undue return or undue election of a member to serve in Parliament for a county or borough may be presented to the court by any one or more of the following 10 persons:

31 & 32 Vict. c. 125. s. 5.

- (1.) Some person who voted or had a right to vote at the election to which the petition relates; or;
- (2.) Some person claiming to have had a right to be returned or elected at such election; or, 15
- (3.) Some person alleging himself to have been a candidate at such election:

And such petition is in this Act referred to as an election petition.

Regulations as to presentation of election petition. 31 & 32 Vict. c. 125.

5. The following enactments shall be made with respect to the 20 presentation of an election petition under this Act:

- (1.) The petition shall be signed by the petitioner, or all the petitioners if more than one:
- (2.) The petition shall be presented within twenty-one days after the return has been made to the clerk of the Crown in 25 Chancery of the member to whose election the petition relates, unless it questions the return or election upon an allegation of corrupt practices, and specifically alleges a payment of money or other reward to have been made by any member, or on his account, or with his privity, since 30 the time of such return, in pursuance or in furtherance of such corrupt practices, in which case the petition may be presented at any time within twenty-eight days after the date of such payment:
- (3.) Presentation of a petition shall be made by delivering it to 35 the prescribed officer or otherwise dealing with the same in manner prescribed:
- (4.) At the time of the presentation of the petition, or within three days afterwards, security for the payment of all costs, charges, and expenses that may become payable by 40 the petitioner,—

(a.) to any person summoned as a witness on his behalf; or, A.D. 1876.

(b.) to the member whose election or return is complained of (who is in this Act referred to as the respondent),

shall be given on behalf of the petitioner:

(5.) The security shall be to an amount of *one thousand pounds*; it shall be given either by recognizance to be entered into by any number of sureties not exceeding four, or by a deposit of money in manner prescribed, or partly in one way and partly in the other.

6. On presentation of the petition the prescribed officer shall send a copy thereof to the returning officer of the county or borough to which the petition relates, who shall forthwith publish the same in the county or borough, as the case may be.

Copy of petition on presentation to be sent to returning officer.

31 & 32 Vict. c. 125. s. 7.

7. Notice of the presentation of a petition under this Act, and of the nature of the proposed security, accompanied with a copy of the petition, shall, within the prescribed time, not exceeding five days after the presentation of the petition, be served by the petitioner on the respondent; and it shall be lawful for the respondent, where the security is given wholly or partially by recognizance, within a further prescribed time, not exceeding five days from the date of the service on him of the notice, to object in writing to such recognizance, on the ground that the sureties, or any of them, are insufficient, or that a surety is dead, or that he cannot be found or ascertained from the want of a sufficient description in the recognizance, or that a person named in the recognizance has not duly acknowledged the same.

Recognizance may be objected to. 13 & 32 Vict. c. 125. s. 8.

8. Any objection made to the security given shall be heard and decided on in the prescribed manner. If an objection to the security is allowed, it shall be lawful for the petitioner, within a further prescribed time, not exceeding five days, to remove such objection, by a deposit in the prescribed manner of such sum of money as may be deemed by the Court or officer having cognizance of the matter, to make the security sufficient.

Determination of objection to recognizance.

31 & 32 Vict. c. 125. s. 9.

If an objection made the security is decided to be insufficient, and such objection is not removed in manner herein-before mentioned, no further proceedings shall be had on the petition; otherwise, on the expiration of the time limited for making objections, or, after objection made, on the sufficiency of the security being established, the petition shall be deemed to be at issue.

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List of petitions at issue to be made.

31 & 32 Vict.
c. 125. s. 10.

9. The prescribed officer shall, as soon as may be, make out a list of all petitions under this Act, presented to the Court of which he is such officer, and which are at issue, placing them in the order in which they were presented, and shall keep at his office a copy of such list, in this Act referred to as the election list, open to the inspection in the prescribed manner of any person making application. 5

Such petitions, as far as conveniently may be, shall be tried in the order in which they stand in such list.

Trial of Petition.

10

Mode of trial of election petitions.

See 31 & 32
Vict. c. 125.
s. 11.

36 & 37 Vict.
c. 66. s. 38.

10. The following enactments shall be made with respect to the trial of election petitions under this Act :

(1.) The trial of every election petition shall be conducted before a judge of the Court to be selected from a rota to be formed as herein-after mentioned : 15

(2.) The judges to be placed on the rota for the trial of election petitions in each year shall be selected out of the judges of the Queen's Bench, Common Pleas, and Exchequer divisions of the High Court of Justice, in such manner as may be provided by any rules of court to be made for that purpose in pursuance of the Supreme Court of Judicature Acts, 1873 and 1875, and in the meantime and subject thereto shall be selected in manner directed by this section ; namely, 20

(a.) The judges of each such division shall, on or before the *fifth day of November* in every year, select, by a majority of votes, one of the puisne judges of such division, not being a member of the House of Lords, to be placed on the rota for the trial of election petitions during the ensuing year ; and 25 30

(b.) If in any such case the judges of any of the said divisions are equally divided in their choice of a puisne judge to be placed on the rota, the president of that division shall have a second or casting vote ; and 35

(c.) Any judge so placed on the rota shall be re-eligible in the succeeding or any subsequent year ; and

(d.) In the event of the death or the illness of any judge so for the time being on the rota, or his inability to act for any reasonable cause, the division to which 40

he belongs shall fill up the vacancy by placing on the rota another puisne judge of the same division : A.D. 1876.

(3.) The judges for the time being on the rota shall, according to their seniority, respectively try the election petitions standing for trial under this Act, unless they otherwise agree among themselves, in which case the trial of each election petition shall be taken in manner provided by such agreement :

(4.) Where it appears to the judges on the rota, after due consideration of the list of petitions under this Act for the time being at issue, that the trial of such election petitions will be inconveniently delayed unless an additional judge or judges be appointed to assist the judges on the rota, the judges of each of the said divisions, (that is to say,) the Exchequer division, the Common Pleas division, and the Queen's Bench division, in the order named, shall, on and according to the requisition of the judges on the rota, select, in manner herein-before provided, one of the puisne judges of the division to try election petitions for the ensuing year ; and any judge so selected shall, during that year, be deemed to be on the rota for the trial of election petitions :

(5.) Every election petition shall, except where it raises a question of law for the determination of the Court, as herein-after mentioned, be tried by one of the judges herein-before in that behalf mentioned (herein-after referred to as the judge) sitting in open court without a jury :

(6.) Notice of the time and place at which an election petition will be tried shall be given, not less than fourteen days before the day on which the trial is held, in the prescribed manner :

(7.) The trial of an election petition in the case of a petition relating to a borough election shall take place in the borough, and in the case of a petition relating to a county election in the county : Provided—

(a.) That if it appears to the Court that special circumstances exist which render it desirable that the petition should be tried elsewhere than in the borough or county, the Court may appoint such other place for the trial as may appear most convenient ; and

(b.) That in the case of a petition relating to any of the boroughs within the metropolitan district, the

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petition may be heard at such place within the district as the Court may appoint; and

(c.) That with the consent of all parties to a petition the Court may direct the trial of that petition to take place at London or Westminster, or in any other place 5 which appears to the Court convenient :

(8.) The judge presiding at the trial may adjourn the same from time to time and from one place to any other place [within the county or borough] as to him may seem expedient : 10

(9.) At the conclusion of the trial the judge who tried the petition shall determine whether the member whose return or election is complained of, or any and what other person was duly returned or elected, or whether the election was void; and shall forthwith certify in writing such determi- 15 nation to the Speaker, and upon such certificate being given, such determination shall be final to all intents and purposes :

(10.) Where any charge is made in an election petition of any corrupt practice having been committed at the election to 20 which the petition refers, the judge shall, in addition to such certificate, and at the same time, report in writing to the Speaker as follows :

(a.) Whether any corrupt practice has or has not been proved to have been committed by or with the 25 knowledge and consent of any candidate at such election, and the nature of such corrupt practice :

(b.) The names of all persons (if any) who have been proved at the trial to have been guilty of any corrupt practice : 30

(c.) Whether corrupt practices have or whether there is reason to believe that corrupt practices have extensively prevailed at the election to which the petition relates : and

(d.) Whether the parties to the petition, or any of 35 them, have by concealing or attempting to conceal or wilfully preventing the disclosure of material facts, or by withdrawing the petition, or by abandoning the opposition thereto, or otherwise prevented the judge from ascertaining the particulars respecting corrupt 40 practices required by this section to be reported in writing to the Speaker :

(11.) The judge may at the same time make a special report to the Speaker as to any matters arising in the course of the trial an account of which in his judgment ought to be submitted to the House of Commons: A.D. 1876.

5 (12.) Where, upon the application of any party to a petition made in the prescribed manner to the Court, it appears to the Court that the case raised by the petition can be conveniently stated as a special case, the Court may direct the same to be stated accordingly, and any such special
10 case shall, as far as may be, be heard before the Court, and the decision of the Court shall be final; and the Court shall certify to the Speaker its determination in reference to such special case.

11. Where it appears to the judge on the trial of a petition that
15 any question or questions of law as to the admissibility of evidence or otherwise require further consideration by the Court, the judge may postpone the granting of his certificate until the determination of such question or questions by the Court, and for this purpose may reserve any such question or questions in like manner
20 as questions are usually reserved by a judge on a trial at nisi prius.

12. The House of Commons, on being informed by the Speaker of such certificate and report or reports, if any, shall order the same to be entered in their journals, and shall give the necessary directions for confirming or altering the return, or for issuing a writ
25 for a new election, or for carrying the determination into execution, as circumstances may require.

13. Where the judge makes a special report the House of Commons may make such order in respect of such special report as they think proper.

30 14. On the trial of an election petition under this Act, unless the judge otherwise directs, any charge of a corrupt practice may be gone into and evidence in relation thereto received before any proof has been given of agency on the part of any candidate in respect of such corrupt practice.

35 15. On the trial of an election petition under this Act a vote given for a candidate who is incapable of being elected by reason of having been guilty by himself or his agents of any corrupt practice shall not be deemed to have been thrown away, unless such candidate has previously to his nomination been reported to have been so guilty by
40 the report of the judge upon an election petition.

A.D. 1876. 16. The trial of an election petition under this Act shall be proceeded with notwithstanding the acceptance by the respondent of an office of profit under the Crown.

Acceptance of office not to stop petition.

31 & 32 Vict. c. 125. s. 18.

Prorogation of Parliament.

31 & 32 Vict. c. 125. s. 19.

17. The trial of an election petition under this Act shall be proceeded with notwithstanding the prorogation of Parliament. 5

Proceedings.

Form of petition.

31 & 32 Vict. c. 125. s. 20.

Service of petition.

31 & 32 Vict. c. 125. s. 21.

18. An election petition under this Act shall be in such form and state such matters as may be prescribed.

19. An election petition under this Act shall be served as nearly as may be in the manner in which a writ or summons is served, or 10 in such other manner as may be prescribed.

Joint respondents to petition.

31 & 32 Vict. c. 125. s. 22.

20. Two or more candidates may be made respondents to the same petition, and their case may for the sake of convenience be tried at the same time, but for all the purposes of this Act such petition shall be deemed to be a separate petition against each 15 respondent.

Provision in cases where more than one petition is presented.

31 & 32 Vict. c. 125. s. 23.

21. Where, under this Act, more petitions than one are presented relating to the same election or return, all such petitions shall in the election list be bracketed together, and shall be dealt with as one petition, but such petitions shall, unless the Court otherwise 20 direct, stand in the election list in the place where the last of such petitions would have stood if it had been the only petition presented.

Shorthand writer to attend trial of election petition.

31 & 32 Vict. c. 125. s. 24.

22. On the trial of an election petition under this Act the shorthand writer of the House of Commons or his deputy shall 25 attend and shall be sworn by the judge faithfully and truly to take down the evidence given at the trial, and from time to time as occasion requires to write or cause the same to be written in words at length; and it shall be the duty of such shorthand writer to take down such evidence, and from time to time to write or cause 30 the same to be written at length, and a copy of such evidence shall accompany the certificate made by the judge to the Speaker; and the expenses of the shorthand writer shall be deemed to be part of the expenses incurred in receiving the judge.

General rules to be made by election judges.

31 & 32 Vict. c. 125. s. 25.

Jurisdiction and Rules of Court.

35

23. The judges for the time being on the rota for the trial of election petitions may from time to time make, and may from time to time revoke and alter, general rules for the effectual execution

of this part of this Act, and of the intention and object thereof, and the regulation of the practice, procedure, and costs of election petitions, and the trial thereof, and the certifying and reporting thereon. A.D. 1876.

Any general rules made as aforesaid shall be deemed to be
5 within the powers conferred by this part of this Act, and shall be of the same force as if they were enacted in this Act.

Any general rules made in pursuance of this section shall be laid before Parliament within three weeks after they are made, if Parliament be then sitting, and if Parliament be not then sitting,
10 within three weeks after the beginning of the then next session of Parliament.

24. So far as the provisions of this Act and the general rules for the time being in force do not extend, the principles, practice, and rules on which committees of the House of Commons, previously
15 to the passing of the Parliamentary Elections Act, 1868, acted in dealing with election petitions shall be observed so far as may be by the Court and judge in the case of election petitions under this Act.

25. The duties to be performed by the prescribed officer under this Act shall be performed by such one or more of the masters or
20 other officers attached to the Supreme Court of Judicature in England as may, with the approval of the Lord Chancellor, be directed by general rules under this part of this Act.

Reception, Expenses, and Jurisdiction of Judge.

26. Where the judge is about to try an election petition under
25 this Act at some place other than London and Westminster, he shall be received at that place with the same state, so far as circumstances admit, as a judge of assize is received at an assize town; he shall be received by the sheriff in the case of a petition relating to a county election, and in any other case by the mayor,
30 in the case of a borough having a mayor, and in the case of a borough not having a mayor by the sheriff of the county in which the borough is situate, or by some person named by such sheriff.

The travelling and other expenses of the judge in such case, and all expenses properly incurred by the sheriff or by such mayor
35 or person named as aforesaid in receiving the judge and providing him with necessary accommodation and with a proper Court, shall be defrayed by the Treasury out of moneys provided by Parliament.

Where the judge tries an election petition in London or Westminster, he shall be received, and the expenses of receiving him and
40 providing him with necessary accommodation and a proper Court

A.D. 1876. shall be defrayed, as if he were sitting at nisi prius in London or Westminster.

Power of judge. 31 & 32 Vict. c. 125. s. 29. **27.** On the trial of an election petition under this Act the judge shall, subject to the provisions of this Act, have the same powers, jurisdiction, and authority as a judge of a superior Court, and as a judge of assize and nisi prius, and the Court held by him shall be a Court of Record.

Attendance on judge. 31 & 32 Vict. c. 125. s. 30. **28.** The judge shall be attended on the trial of an election petition under this Act in the same manner as if he were a judge sitting at nisi prius, and the expenses of such attendance shall be deemed to be part of the expenses of providing a Court.

Witnesses.

Summons of witnesses. 31 & 32 Vict. c. 125. s. 31. **29.** Witnesses shall be subpoenaed and sworn in the same manner as nearly as circumstances admit as in a trial at nisi prius, and shall be subject to the same penalties for perjury. 15

Judge may summon and examine witnesses. 31 & 32 Vict. c. 125. s. 32. **30.** On the trial of an election petition under this Act the judge may, by order under his hand, compel the attendance of any person as a witness who appears to him to have been concerned in the election to which the petition refers, and any person refusing to obey such order shall be guilty of contempt of Court. 20

The judge may examine any witness so compelled to attend or any person in Court although such witness is not called and examined by any party to the petition. After the examination of a witness as aforesaid by a judge such witness may be cross-examined by or on behalf of the petitioner and respondent, or either of them. 25

Indemnity of witness before election judge. 26 & 27 Vict. c. 29. s. 7. 31 & 32 Vict. c. 125. s. 33. **31.** No person who is called as a witness before a judge trying any election petition shall be excused from answering any question relating to any corrupt practice at, or connected with, any election forming the subject of inquiry by such judge on the ground that the answer thereto may criminate or tend to criminate himself : 30

Provided, that where any witness answers every question relating to the matters aforesaid which he is required by such judge to answer, and the answer to which may criminate or tend to criminate him, he shall be entitled to receive from the judge, under his hand, a certificate stating that such witness was, upon his examination, required by the said judge to answer questions or a question relating to the matters aforesaid the answers or answer to which criminated or tended to criminate him, and had answered all such questions or such question. 35

If any information, indictment, or action be at any time there- after pending against such witness for any offence under any part 40

of this Act, or for which he might have been prosecuted or proceeded against under such part, committed by him previously to the time of his giving his evidence, and at or in relation to the election concerning or in relation to which the witness may have

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5 been so examined, the court having cognizance of the case shall, on production and proof of such certificate, stay the proceedings in such last-mentioned information, indictment, or action, and may, at its discretion, award to such witness such costs as he may have been put to in such information, indictment, or action.

10 No statement made by any person in answer to any question put by or before such election judge shall, except in cases of indictments for perjury, be admissible in evidence in any proceeding, civil or criminal.

32. The reasonable expenses incurred by any person in appearing to give evidence at the trial of an election petition under this Act, according to the scale allowed to witnesses on the trial of civil actions at the assizes, may be allowed to such person by a certificate under the hand of the judge or of the prescribed officer, and such expenses if the witness was called and examined by the judge shall be deemed part of the expenses of providing a court, and in other cases shall be deemed to be costs of the petition.

Expenses of witnesses.
31 & 32 Vict.
c. 125. s. 34.

Withdrawal and Abatement of Election Petitions.

33. An election petition under this Act shall not be withdrawn without the leave of the Court or judge upon special application to be made in and at the prescribed manner, time, and place.

Withdrawal of petition and substitution of new petitioners.
31 & 32 Vict.
c. 125. s. 35.

No such application shall be made for the withdrawal of a petition until the prescribed notice has been given in the county or borough to which the petition relates of the intention of the petitioner to make an application for the withdrawal of his

30 petition.

On the hearing of the application for withdrawal, any person who might have been a petitioner in respect of the election to which the petition relates may apply to the Court or judge to be substituted as a petitioner for the petitioner so desirous of withdrawing the petition.

35 drawing the petition.

The Court or judge may, if it or he think fit, substitute as a petitioner any such applicant as aforesaid; and may further, if the proposed withdrawal is in the opinion of the Court or judge induced by any corrupt bargain or consideration, by order direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted

A.D. 1876. petitioner, and that to the extent of the sum named in such security the original petitioner shall be liable to pay the costs of the substituted petitioner.

If no such order is made with respect to the security given on behalf of the original petitioner, security to the same amount 5 as would be required in the case of a new petition, and subject to the like conditions, shall be given on behalf of the substituted petitioner before he proceeds with his petition, and within the prescribed time after the order of substitution.

Subject as aforesaid, a substituted petitioner shall stand in the 10 same position as nearly as may be, and be subject to the same liabilities, as the original petitioner.

If a petition is withdrawn, the petitioner shall be liable to pay the costs of the respondent.

Where there are more petitioners than one, no application to 15 withdraw a petition shall be made except with the consent of all the petitioners.

Court to report to the Speaker circumstances of withdrawal.

31 & 32 Vict. c. 125. s. 36.

34. In every case of the withdrawal of an election petition under this Act the Court or judge shall report to the Speaker whether in its or his opinion the withdrawal of such petition was 20 the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition, and if so, the circumstances attending the withdrawal.

Abatement of petition. 31 & 32 Vict. c. 125. s. 37.

35. An election petition under this Act shall be abated by the death of a sole petitioner or of the survivor of several petitioners. 25

The abatement of a petition shall not affect the liability of the petitioner to the payment of costs previously incurred.

On the abatement of a petition the prescribed notice of such abatement having taken place shall be given in the county or borough to which the petition relates, and within the prescribed 30 time after the notice is given any person who might have been a petitioner in respect of the election to which the petition relates may apply to the Court or judge, in and at the prescribed manner, time, and place, to be substituted as a petitioner.

The Court or judge may, if it or he think fit, substitute as a 35 petitioner any such applicant who is desirous of being substituted and on whose behalf security to the same amount is given as is required in the case of a new petition.

Admission in certain cases of voters to be respondents. 31 & 32 Vict. c. 125. s. 38.

36. If before the trial of any election petition under this Act any of the following events happen in the case of the respondent; 40 (that is to say,)

(1.) If he dies :

(2.) If he is summoned to Parliament as a peer of Great Britain by a writ issued under the Great Seal of the United Kingdom : A.D. 1876.

(3.) If the House of Commons have resolved that his seat is vacant ;
5 or,

(4.) If he gives in and at the prescribed manner and time notice to the Court that he does not intend to oppose the petition :

notice of such event having taken place shall be given in the
10 county or borough to which the petition relates, and within the prescribed time after the notice is given any person who might have been a petitioner in respect of the election to which the petition relates may apply to the Court or judge to be admitted as a respondent to oppose the petition, and such person shall on such applica-
15 tion be admitted accordingly, either with the respondent, if there be a respondent, or in place of the respondent; and any number of persons not exceeding three may be so admitted.

37. A respondent who has given the prescribed notice that he does not intend to oppose the petition shall not be allowed to appear
20 or act as a party against such petition in any proceedings thereon, and shall not sit or vote in the House of Commons until the House of Commons has been informed of the report on the petition, and the Court or judge shall in all cases in which such notice has been given in the prescribed time and manner report the same to the
25 Speaker.

38. Where an election petition under this Act complains of a double return and the respondent has given notice to the prescribed officer that it is not his intention to oppose the petition, and no party has been admitted in pursuance of this Act to defend such
30 return, then the petitioner, if there be no petition complaining of the other member returned on such double return, may withdraw his petition by notice addressed to the prescribed officer, and upon the receipt of such notice the prescribed officer shall report the fact of the withdrawal of such petition to the Speaker, and the
35 House of Commons shall thereupon give the necessary directions for amending the said double return by an alteration of the certificate endorsed on the writ, or otherwise, as the case may require.

Costs.

39. All costs, charges, and expenses of and incidental to the
40 presentation of a petition under this Act, and to the proceedings consequent thereon, with the exception of such costs, charges, and
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A.D. 1876. expenses as are by this Act otherwise provided for, shall be defrayed
 — by the parties to the petition in such manner and in such propor-
 tions as the Court or judge may determine, regard being had to
 the disallowance of any costs, charges, or expenses which may, in
 the opinion of the Court or judge, have been caused by vexatious 5
 conduct, unfounded allegations, or unfounded objections on the
 part either of the petitioner or the respondent, and regard being
 had to the discouragement of any needless expense by throwing the
 burden of defraying the same on the parties by whom it has been
 caused, whether such parties are or not on the whole successful. 10

The costs may be taxed in the prescribed manner but according
 to the same principles as costs between solicitor and client are taxed
 in an action in a superior Court, and such costs may be recovered
 in the same manner as the costs of such action, or in such other
 manner as may be prescribed. 15

Recogni-
 zance, when
 to be es-
 treated, &c.
 31 & 32 Vict.
 c. 125. s. 42.

40. If any petitioner in an election petition presented under this
 Act neglects or refuses for the space of *six months* after demand to
 pay to any person summoned as a witness on his behalf, or to the
 respondent, any sum certified to be due to him for his costs, charges,
 and expenses, and if such neglect or refusal be, within one year 20
 after such demand, proved to the satisfaction of the Court, in
 every such case every person who has entered into a recognizance
 relating to such petition under the provisions of this Act shall be
 held to have made default in his said recognizance, and the pre-
 scribed officer shall thereupon certify such recognizance to be 25
 forfeited, and the same shall be dealt with in manner provided by
 the Act of the third year of the reign of King George the Fourth,
 chapter forty-six.

Miscellaneous.

Returning
 officer may
 be sued for
 neglecting to
 return any
 person duly
 elected.
 31 & 32 Vict.
 c. 125. s. 48.

41. If any returning officer wilfully delays, neglects, or refuses 30
 duly to return any person who ought to be returned to serve in
 Parliament for any county or borough, such person may, in case it
 has been determined on the hearing of an election petition under
 this Act that such person was entitled to have been returned, sue
 the officer having so wilfully delayed, neglected, or refused duly 35
 to make such return at his election in a superior Court, and
 shall recover double the damages he has sustained by reason
 thereof, together with full costs of suit; provided such action
 be commenced within one year after the commission of the act
 on which it is grounded, or within *six months* after the conclusion 40
 of the trial relating to such election.

42. In reckoning time for the purposes of this part of this Act, Sunday, Christmas Day, Good Friday, and any day set apart for a public fast or public thanksgiving shall be excluded.

A.D. 1876.

Calculation of time.

31 & 32 Vict. c. 125. s. 49.

Controverted elections to be tried under Act.

31 & 32 Vict. c. 125. s. 50.

Returning officer if complained of to be respondent.

31 & 32 Vict. c. 125. s. 51.

43. No election or return to Parliament shall be questioned except in accordance with the provisions of this Act.

44. Where an election petition under this Act complains of the conduct of a returning officer, such returning officer shall for all the purposes of this Act, except the admission of respondents in his place, be deemed to be a respondent.

Petition complaining of no return.

31 & 32 Vict. c. 125. s. 52.

45. A petition under this Act complaining of no return may be presented to the Court, and shall be deemed to be an election petition within the meaning of this Act, and the Court may make such order thereon as they think expedient for compelling a return to be made, or may allow such petition to be heard by the judge in manner herein-before provided with respect to ordinary election petitions.

46. On the trial of a petition under this Act complaining of an undue return and claiming the seat for some person, the respondent may give evidence to prove that the election of such person was undue in the same manner as if he had presented a petition complaining of such election.

Re crimination when petition for undue return.

31 & 32 Vict. c. 125. s. 53.

47. Any person who at the time of the passing of the Parliamentary Elections Act, 1868, was entitled to practise as agent, according to the principles, practice, and rules of the House of Commons, in cases of election petitions, and matters relating to the election of members of the House of Commons, shall be entitled to practise as a solicitor or agent in cases of election petitions, and all matters relating to elections before the Court and judges acting under this part of this Act.

Rules as to agents practising in cases of election petitions.

31 & 32 Vict. c. 125. s. 57.

Provided, that every such person so practising shall, in respect of such practice and everything relating thereto, be subject to the jurisdiction and orders of the Court as if he were a solicitor of a superior Court: And further, that no such person shall practise as aforesaid, until his name has been entered on a roll to be made and kept, and which is hereby authorised to be made and kept, by the prescribed officer in the prescribed manner.

Application to Scotland of Part One of Act.

48. The provisions of this part of this Act shall apply to Scotland, subject to the following modifications:

Modifications in application of this part of

16 *Parliamentary Elections and Corrupt Practices.* [39 & 40 VICT.]

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—
the Act to
Scotland.
Sec 31 & 32
Vict. c. 125.
s. 5.

- (1.) The expression "the Court" shall mean either division of the inner house of the Court of Session, and either of such divisions shall have all the powers, jurisdiction, and authority with respect to an election petition in Scotland, and the proceedings thereon, which are by this Act con- 5
ferred on the Court :
- (2.) "Recognizance" shall mean a bond of caution with usual and necessary clauses :
- (3.) The trial of every election petition in Scotland shall be conducted before a judge of the Court of Session, to be selected 10
from a rota to be formed as herein-after mentioned :
- (4.) The judges of the Court of Session shall, on or before the first day of the winter session in every year, select, by a majority of votes, two of the judges of such court, not being members of the House of Lords, to be placed on the 15
rota for the trial of election petitions during the ensuing year :
- (5.) If in any case the judges of the said Court are equally divided in their choice of a judge to be placed on the rota, the Lord President shall have a second or casting 20
vote :
- (6.) Any judge placed on the rota shall be re-eligible in the succeeding or any subsequent year :
- (7.) In the event of the death or illness of any judge for the time being on the rota, or his inability to act for any 25
reasonable cause, the judges shall fill up the vacancy by placing on the rota another judge :
- (8.) The judges for the time being on the rota shall, according to their seniority, respectively try the election petitions standing for trial under this Act, unless they otherwise 30
agree among themselves, in which case the trial of each election petition shall be taken in manner provided by such agreement :
- (9.) Where it appears to the judges on the rota, after due consideration of the list of petitions under this Act for the 35
time being at issue, that the trial of such election petitions will be inconveniently delayed unless an additional judge or judges be appointed to assist the judges on the rota, the judges of the Court of Session shall, on and according to the requisition of such judges on the rota, select, in 40
manner herein-before provided, a judge to try election petitions for the ensuing year ; and any judge so selected

shall during that year be deemed to be on the rota for the trial of election petitions: A.D. 1876.

- 5 (10.) The duties to be performed by the prescribed officer under this Act with reference to election petitions in Scotland shall be performed by such one or more of the principal clerks of session as may be determined by the Lord President of the Court of Session; and there shall be awarded to such principal clerk or clerks, in addition to their existing salaries, such remuneration for the performance
- 10 of the duties imposed on them in pursuance of this Act as the said Lord President may, with the consent of the Treasury, determine:
- 15 (11.) The judge shall be received at a place other than Edinburgh where he is about to try an election petition under this Act in the same manner and by the same authorities, as far as circumstances admit, as a judge of the Court of Justiciary is received at a circuit town, and he shall be attended by such officer or officers as shall be necessary:
- 20 (12.) The travelling and other expenses of the judge, and of the officer or officers in attendance upon him, and all expenses properly incurred in providing the judge with a proper Court, shall be defrayed by the Treasury out of money to be provided by Parliament:
- 25 (13.) When an election petition is tried at Edinburgh, the judge shall be received and attended and the expenses defrayed as if he were sitting at a jury trial in Edinburgh:
- 30 (14.) On the trial of an election petition under this Act, the judge shall, subject to the provisions of this Act, have the same powers, jurisdictions, and authority as a judge of the Court of Session presiding at the trial of a civil cause without a jury:
- 35 (15.) The principles of taxation of costs as between attorney and client shall in Scotland mean the principles of taxation of expenses as between agent and client:
- 40 (16.) The power to hold the trial of an election petition in London or Westminster shall, in Scotland, mean a power to hold such trial in Edinburgh:
- (17.) In lieu of the provisions for the estreating of a recognizance under an election petition, the prescribed officer shall, when otherwise competent under the provisions of this Act, certify that the conditions contained in the bond of caution

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have not been fulfilled, and it shall then be competent for the party or parties interested to register the said bond, and do diligence upon it as accords of law.

Application to Ireland of Part I. of Act.

Modifications
in applica-
tion of this
part of the
Act to Ire-
land.

See 31 & 32
Vict. c. 125.

49. This part of this Act shall apply to Ireland subject to the 5 following modifications :

- (1.) The expression "the Court" shall mean the Court of Common Pleas at Dublin, and such Court shall have the same powers, jurisdiction, and authority with respect to an election petition in Ireland, as are by this Act con- 10 ferred on Her Majesty's High Court of Justice with respect to election petitions in England.

(2.)

- (3.) The power to hold the trial of an election petition in London or Westminster shall in Ireland mean a power to hold such 15 trial in Dublin.

- (4.) A recognizance in Ireland when forfeited shall be dealt with in manner provided by the Fines Act (Ireland), 1851.

PART II.

ELECTION COMMISSIONERS.

20

Appointment and powers of Commissioners for inquiring into Corrupt Practices.

Upon
address of
Houses of
Parliament,
Her Majesty
may appoint
Commis-
sioners to
make inquiry
into corrupt
practices at
elections.

See 15 & 16
Vict. c. 57.

s. 1.

31 & 32 Vict.
c. 125. s. 15.

50. Where by a joint address of both Houses of Parliament it is represented to Her Majesty either,—

- (1.) That a judge appointed to try an election petition has 25 reported to the Speaker,—

(a.) That corrupt practices have or that there is reason to believe that corrupt practices have extensively prevailed in any county or borough at the election to which the petition relates ; or,

30

(b.) That the parties to the petition, or any of them, have by concealing or attempting to conceal or wilfully preventing the disclosure of material facts, or by withdrawing the petition, or by abandoning the opposition thereto or otherwise prevented him from ascertaining the 35

particulars respecting corrupt practices required by A.D. 1876.
Part One of this Act to be reported in writing to the
Speaker; or,

5 (2.) That a petition to the House of Commons has been pre- 31 & 32 Vict.
sented within twenty-one days after the return to the c. 125. s. 56.
clerk of the Crown in Chancery of a member to serve in
Parliament for any county or borough, or within fourteen
days after the meeting of Parliament, signed by two or
more electors of such county or borough, and alleging that
10 corrupt practices have extensively prevailed at the then last
election for such county or borough, or that there is reason
to believe that corrupt practices have there so prevailed;

and the said Houses thereupon pray Her Majesty to cause inquiry
to be made by persons qualified as herein-after mentioned and
15 named in such address, it shall be lawful for Her Majesty, by
warrant under Her royal sign manual, to appoint the said persons
to be Commissioners (in this Act referred to as the Election Com-
missioners) for the purpose of making inquiry into the existence of
such corrupt practices at the said election.

20 51. The Commissioners appointed in pursuance of this part of
this Act shall be barristers-at-law of not less than seven years
standing, not being members of Parliament, or holding any office
or place of profit under the Crown, other than that of a recorder of
any municipal borough. Qualification
of Election
Commis-
sioners.
15 & 16 Vict.
c. 57. s. 1.

25 If any of the Commissioners so appointed die, resign, or become
incapable to act, it shall be lawful for the surviving or continuing
Commissioners or Commissioner to act in such inquiry as if they or
he had been solely appointed to be Commissioners or a sole Commis-
sioner for the purposes of such inquiry, and (as to such sole Com-
30 missioner) as if this Act had authorised the appointment of a sole
Commissioner; and all the provisions of this Act concerning the
Commissioners appointed to make any such inquiry shall be taken
to apply to such surviving or continuing Commissioner or Commis-
sioners.

35 52. Every Election Commissioner appointed in pursuance of this
Act shall, before beginning to act in the execution of this Act, take
the following oath before one of the judges of Her Majesty's High
Court of Justice; (that is to say,) Election
Commis-
sioners to be
sworn.
15 & 16 Vict.
c. 57. s. 2.

40 ' I *A.B.* do swear, That I will truly and faithfully execute the
powers and trusts vested in me by the Parliamentary Elections
Act, 1876, according to the best of my knowledge and judgment.

So help me God.'

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Power of
Election
Commis-
sioners to
appoint
secretary
and clerk.
15 & 16 Vict.
c. 57. s. 3.

53. It shall be lawful for the Election Commissioners to appoint, and at their pleasure to dismiss, a secretary, and so many clerks, messengers, and officers as may be thought necessary by a Secretary of State, for the purpose of conducting the inquiry to be made by them, and to pay to such secretary, clerks, messengers, and officers such salaries and allowances as may be thought reasonable by the Treasury. 5

Place of
meeting.
Ib. ss. 4, 5.

54. The Election Commissioners appointed under this Act to make inquiry in relation to any county or borough, shall, on their appointment, or within a reasonable time afterwards, go to 10 such county or borough, and shall from time to time hold meetings for the purposes of such inquiry at some convenient place within the same, or within ten miles thereof, and shall have power to adjourn such meetings from time to time, and from any one place to any other place within such county or borough, or within ten 15 miles thereof, as to them may seem expedient; and such Commissioners shall give notice of their appointment, and of the time and place of holding their first meeting, by publishing the same in some local newspaper in general circulation in such county or borough: Provided 20

(1.) That such Commissioners shall not adjourn the inquiry for any period exceeding one week without the consent of a Secretary of State:

(2.) That such Commissioners may, with such consent as aforesaid, hold meetings in the cities of London or Westminster, 25 and adjourn the same from time to time as they may deem fit.

Inquiry by
Election
Commis-
sioners.
Ib. s. 6.

55. The Election Commissioners shall, by all such lawful means as to them appear best, with a view to the discovery of the truth, inquire into the manner in which the election in relation to which they 30 were appointed to inquire has been conducted, and whether any corrupt practices have been committed at such election, and if so, whether by way of the gift or loan or the promise of the gift or loan of any sum of money or other valuable consideration to any voter or voters, or to any other person or persons on his 35 or their behalf, for the promise or the giving of his or their vote or votes, or for his or their refraining or promising to refrain from giving his or their vote or votes, at such election, or for his or their procuring or undertaking to procure the votes of other electors at such election, or whether by the payment of any sum 40 of money or loan or other valuable consideration whatsoever to any voter, or to any other person on his behalf, before, during, or after

the termination of such election, by way of head money, or in compliance with any usage or custom in the county or borough to which the inquiry relates, or how otherwise, or whether any sum of money or other valuable consideration whatsoever has been paid to any
5 voter, or to any other person on his behalf, after the termination of such election, as a reward for giving or for having refrained from giving his vote at such election.

In case the Election Commissioners find that corrupt practices have been committed at the election into which they are appointed
10 to inquire, it shall be lawful for them to make the like inquiries concerning the latest previous election for the same county or borough; and upon their finding corrupt practices to have been committed at that election it shall be lawful for them to make the like inquiries concerning the election immediately previous thereto
15 for such county or borough, and so in like manner from election to election as far back as they may think fit.

Where upon inquiry as aforesaid concerning any election the Commissioners do not find that corrupt practices have been committed thereat, they shall not inquire concerning any previous
20 election.

The Election Commissioners shall from time to time report to Her Majesty the evidence taken by them, and what they find concerning the premises, and especially such Commissioners shall report with respect to each election the names of all persons whom they find to
25 have been guilty of corrupt practice at such election, and as well of those who have given bribes for the purchase or for the purpose of purchasing the votes of others as of those who have themselves received money or any other valuable consideration for having given or having refrained from giving or for the purpose of inducing
30 them to give or to refrain from giving their votes at such election, and also the names of all persons whom they find to have given to others, or to have received themselves, payments by way of head money, or as a reward for giving or refraining from giving their votes at such election, and all other things whereby, in the opinion
35 of the said Commissioners, the truth may be better known touching the premises.

56. Every report which the Election Commissioners make to Her Majesty in pursuance of this Act shall be laid before Parliament within one month next after such report is made, if Parliament be
40 then sitting, or if Parliament be not then sitting, then within one month next after the then next meeting of Parliament.

Reports to be laid before Parliament.
15 & 16 Vict.
c. 57. s. 7.

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Power to
send for
persons and
papers.
15 & 16 Vict.
c. 57. s. 8.

57. It shall be lawful for the Election Commissioners, by a summons under their hands and seals, or under the hand and seal of any one of them, to require the attendance before them at a place and time to be mentioned in the summons, which time shall be a reasonable time from the date of such summons, of any persons 5 whomsoever whose evidence, in the judgment of such Commissioners or Commissioner, may be material to the subject matter of the inquiry to be made by such Commissioners; and to require all persons to bring before them such books, papers, deeds, and writings as to such Commissioners or Commissioner appear necessary for arriving at the truth of the things to be inquired into by them 10 under this Act; all which persons shall attend such Commissioners, and shall answer all questions put to them by such Commissioners touching the matters to be inquired into by them, and shall produce all books, papers, deeds, and writings required of them, and in their 15 custody or under their control, according to the tenor of the summons.

Provided that no statement made by any person in answer to any question put by such Commissioner shall, except in cases of indictment for perjury committed in such answers, be admissible in 20 evidence in any proceeding, civil or criminal.

Indemnity
of witness
before Com-
missioners.
26 & 27 Vict.
c. 29. s. 7.

58. The provisions of Part One of this Act relating to the examination and indemnity of witnesses shall apply to any witness appearing before the Election Commissioners, and the certificate shall be given under the hand of the Commissioners, or one of them. 25

Election
Commis-
sioners to
examine on
oath, and
penalty for
false swear-
ing.
15 & 16 Vict.
c. 57. ss. 11,
13.

59. It shall be lawful for the Election Commissioners, or one of them, to administer an oath [qu. or an affirmation, where an affirmation would be admitted in a court of justice on the ground of religious scruples] to all persons who are examined before them touching the things to be inquired into by them under this Act. 30

Every person who, upon examination upon oath [or affirmation] before the Election Commissioners, wilfully gives false evidence, shall be liable to the pains and penalties of perjury.

Penalty for
non-attend-
ance or
refusing to
give evidence.
15 & 16 Vict.
c. 57. s. 12.

60. If any person on whom any summons issued by the Election Commissioners, or an Election Commissioner under this Act, has been 35 served, by the delivery thereof to him or by the leaving thereof at his usual place of abode, fails to appear before such Commissioners at the time and place specified in such summons, it shall be lawful for the said Commissioners to certify such default under their hands and seals, or under the hand and seal of any one of them, to a 40 superior Court; and thereupon such Court shall proceed against

the person so failing to attend, in the same manner as if the said person had failed to obey any writ of subpcena, or any process issuing out of the said Court; and if any person so summoned to attend as aforesaid, and having appeared before the
 5 Commissioners, refuses to be sworn, or to make answer to such questions as are put to him touching the matters in question by the Commissioners, or to produce and show to the Commissioners any papers, books, deeds, or writings being in his possession or under his control, which the Commissioners may deem necessary to be
 10 produced, or if any person is guilty of any contempt of the Commissioners or their office, the Commissioners shall have such and the same powers, to be exercised in the same way as any judge of a superior Court sitting under any commission, may now by law exercise in that behalf; and all gaolers, constables, and bailiffs shall
 15 give their aid and assistance to the Commissioners in the execution of their office.

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61. The Election Commissioners shall have power, if they deem fit, to award to any witness summoned to appear before them a reasonable sum for his or her travelling expenses, and for his or her
 20 maintenance, according to a scale to be determined and approved of by the Treasury, and the Election Commissioners shall certify to the Treasury the names of the said witnesses, together with the sums allowed to each, and the Treasury shall pay to the said witnesses the said sums so allowed as aforesaid; out of money provided by
 25 Parliament.

Expenses of witnesses.
 15 & 16 Vict.
 c. 57. s. 14.

62. The Election Commissioners shall have such and the like protection and privileges, in case of any action brought against them for any act done or omitted to be done in the execution of their duty, as is by law given by any Act or Acts now or hereafter to be
 30 in force to justices acting in execution of their office.

Protection of Election Commissioners.
 15 & 16 Vict.
 c. 57. s. 16.

63. No action shall be brought against any Election Commissioner, or any other person whomsoever, for anything done in the execution of this part of this Act, unless such action be brought within *six months* next after the doing of such thing.

Limitation of actions.
 15 & 16 Vict.
 c. 57. s. 17.

35 *Expenses of Inquiry by Election Commissioners.*

64. Every Election Commissioner to be appointed under this Act shall be paid at the conclusion of the inquiry, over and above his travelling and other expenses, such sum as the Treasury think
 [291.] C 4

Account of expenses of Commissioners.
 15 & 16 Vict.
 c. 57. s. 15.

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A.D. 1876. fit; and the Election Commissioners shall, after the termination of their last sitting, and after they have made their report to Her Majesty, as herein-before directed, lay or cause to be laid before the Treasury a statement of the number of days they have been actually employed in the inquiry made by them, together with an account of the travelling and other expenses of each of such Commissioners.

Expenses of Election Commissioners to be paid out of rates.

31 & 32 Vict. c. 125. s. 15.

34 & 35 Vict. c. 61. s. 3.

65. The expenses of an inquiry made by Election Commissioners appointed in pursuance of this part of this Act shall be defrayed as if they were expenses incurred in the registration of voters for the county or borough to an election in which the inquiry related : Provided that—

(1.) Where the Election Commissioners were appointed in respect of any borough, and any parish is situate partly within and partly without the parliamentary boundary of such borough, then, for the purpose of any contribution towards paying the expenses of such Commissioners, that part of such parish which is situate within such boundary shall be liable exclusively of the other part of such parish to such contribution, and shall be deemed to be a parish by itself, and the overseers of the whole parish shall be deemed to be also the overseers of the part so declared to be a parish by itself; and

(2.) Where the Election Commissioners were appointed in respect of any county, the parishes situate within the parliamentary boundary of any borough shall not be liable to any contribution towards paying the expenses of such Commissioners; and the provisions of this section with respect to that part of a parish which is situate within the parliamentary boundary of any borough shall apply, mutatis mutandis, to that part thereof which is situate without such boundary.

Power of Treasury to advance money for payment of expenses.

32 & 33 Vict. c. 21. s. 2.

66. The Treasury may from time to time advance out of the Consolidated Fund of the United Kingdom, or out of the growing produce thereof, such moneys as may be required for payment of any of the expenses of the inquiry to be made by Election Commissioners, and may pay the same accordingly, and such advances shall be repaid in manner herein-after mentioned upon a requisition of the Treasury stating the amount of such advances, and such requisition shall be conclusive evidence of the amount therein stated, and of the payment thereof by the Treasury.

67. The following enactments shall be made, with respect to the repayment to the Treasury, of any advance made by them for payment of the expenses of any inquiry made by Election Commissioners in England :

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—
Repayment
of advances
made by the
Treasury.
See 32 & 33
Vict. c. 21.
s. 3.
34 & 35 Vict.
c. 61. s. 3.

5 (1.) The Treasury shall forward their requisition to the local officer of the county or borough, in respect of which the Election Commissioners have been appointed, and shall require such officer to repay to them within one year the sum mentioned in such requisition, and it shall be the
10 duty of the local officer to comply with the requisition made by the Treasury :

(2.) The local officer shall mean in the case of a borough the town clerk as defined by the Registration Act, 1843, and in the case of a county the treasurer of the county :

15 (3.) In the case of a county the treasurer shall pay the amount required to the Treasury out of the public stock of the county, in the same manner in all respects as if the requisition of the Treasury were an order of the justices of the peace for the payment to the clerk of the peace of
20 the county of expenses incurred by him under the Registration Act, 1843 ; and the justices for such county shall levy the same by an addition to the county rate, to be assessed on the several parishes within the county other than those declared by this part of this Act not to be
25 liable to a contribution to the expenses of the said inquiry in respect of such county :

(4.) In the case of a borough the requisition of the Treasury shall be laid before the local authority of such borough, and the local authority shall make and give to the local officer a
30 certificate of the sum to be paid by and as the contribution of each of the parishes liable to contribute to the expense of the said inquiry, and thereupon the overseers of every such parish shall, out of the first moneys to be collected for the relief of the poor, pay to the local officer the sum directed by such certificate to be paid as
35 the contribution of the said parish, and the said local officer shall by means of such contributions defray the amount required to be paid to the Treasury :

40 “The local authority of a borough” shall mean the common council or town council of the said borough, or if there be no such council, then the justices of the peace at the general or quarter sessions to be holden in or for the county in which such borough is situate :

A.D. 1876.
34 & 35 Vict.
c. 61. s. 3.

(5.) For the purpose of raising any such contribution in any place declared by this Act to be a parish by itself, a separate rate shall be assessed, made, allowed, published, collected, and levied in the same manner as the poor rate, and the overseers shall in relation to such separate rate have the same 5 powers, privileges, and protections, and be subject to the same obligations, as they have and are subject to in relation to a poor rate, and shall, by means of such separate rate, collect the sum directed by the certificate to be paid to the local officer as the contribution of such parish, 10 together with such further sum in addition as the overseers may estimate to be necessary to provide for the expenses of assessing, making, allowing, publishing, levying, and collecting such separate rate, and for loss by rates which may be excused or become irrecoverable; and the 15 officers ordinarily employed in the collection of the poor rate in the whole of the said parish shall, if required by the overseers, collect such separate rate.

Any balance remaining in the hands of the overseers after the collection of such separate rates shall be applied by 20 them as if it were money collected in the said place for the purpose of the poor rate.

Raising of
money on
default of
local officer.
32 & 33 Vict.
c. 21. s. 3 (5).

68. If default is made by the local officer of any county or borough in England in complying with a requisition made in pursuance of this part of this Act by the Treasury, then,— 25

- (1.) The Treasury shall determine the amount to be paid by and as the contribution of each of the parishes situate within the county or borough towards the amount required; and
- (2.) The justices in general or quarter sessions assembled having jurisdiction over each of the parishes respectively within 30 such county or borough other than a parish comprised in a municipal borough having a separate court of quarter sessions, shall, on the application of the Treasury, raise the sum specified in such requisition, together with a further sum of ten per cent. in addition, by a rate on each of the 35 parishes respectively within the county or borough, the local officer of which has so made default, and shall pay the amount so raised to the Treasury, and any rate made by such justices in pursuance of this part of this Act shall be levied in the same manner in all respects as a county 40 rate or contribution to a county rate in any such county or borough, and may be enforced accordingly; and

(3.) In the case of any part of a parish declared by this part of this Act to be a parish by itself, which is not comprised in a municipal borough having a separate court of quarter sessions, the contribution of such parish to any rate made in pursuance of this part of this Act by the justices in general or quarter sessions assembled shall be assessed, raised, and collected in the same manner as any contribution to a county rate of a part of any parish, the other part of which is comprised in a municipal borough having a separate court of quarter sessions; and all enactments relative to the assessing, raising, and collecting such contribution shall apply accordingly; and, moreover, the provisions of this part of this Act with respect to a separate rate shall extend to a separate rate levied for the purpose of this section; and

(4.) In the case of any parish comprised in a municipal borough having a separate court of quarter sessions, the amount determined by the Treasury under this part of this Act as the amount to be paid by and as the contribution of such parish shall be paid to the Treasury by the overseers of such parish, and the Treasury may enforce payment thereof by the overseers by the same means and in the same manner as the council of such borough may enforce payment of any sum which the overseers are ordered by such council to pay towards the borough rate; and

(5.) For the purpose of this section a part of any parish declared by this Act to be a parish by itself shall be deemed to be included in the term "parish," and where the same is situate in a municipal borough the overseers of the whole parish shall be deemed to be the overseers of such part as if they had been appointed by the council to act as overseers therein.

The provisions of this Act, with respect to proceedings on default being made by the local officer, shall be in addition to any other remedy which the Treasury may have for obtaining payment of the sum named in the requisition.

Application of this part of the Act to Scotland.

69. Where a county or borough is in Scotland this part of this Act shall apply with the following modifications; (that is to say,)

- (1.) The expression "barrister-at-law" shall mean advocate:
- (2.) Where Election Commissioners were appointed in respect of a county, the requisition of the Treasury for payment of

Modifications
for applica-
tion of part
to Scotland.
15 & 16 Vict.
c. 57. s. 1.
32 & 33 Vict.
c. 21. s. 4.

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the advances shall be forwarded to the commissioners of supply of the county, and the amount therein stated shall be paid by them within the specified time, being not less than *three months* from the date of such requisition, in the same manner in all respects as if such expenses were 5 expenses incurred in the formation of a register of voters for such county :

32 & 33 Vict.
c. 21. s. 5.

(3.) Where Election Commissioners were appointed in respect of a borough, the requisition of the Treasury for payment of the advances shall be forwarded to the magistrates of the 10 borough, and the amount therein stated shall be paid by them within the specified time, being not less than *three months* from the date of such requisition, in the same manner in all respects as if such expenses were expenses incurred in the formation of a register of voters for such 15 borough.

Application of this part of the Act to Ireland.

Modification
for applica-
tion of part
of Act to
Ireland.
32 & 33 Vict.
c. 23. s. 6.

70. Where the county or borough is in Ireland, this part of this Act shall apply with the following modifications ; (that is to say,)

The requisition of the Treasury for payment of the advances 20 in the case of any county, county of a city, county of a town, or of any borough situate in any county at large shall be forwarded to the treasurer of such county, county of a city, or county of a town, and in the case of the city of Dublin to the city treasurer : Provided always, that when the Election Commissioners 25 have been appointed in respect of any borough situate in two or more counties the Treasury shall forward to the treasurer of every county in which any part of such borough is situate a certificate of the sum to be paid by and as the contribution of such county towards defraying the expenses of such commission, and the sum to be paid by 30 every such county shall be calculated, as nearly as may be, according to the same relative proportion as the number of persons in each county placed on the register for such borough bears to the total number of persons upon the same register, and every such requisition shall have the force and effect of a presentment duly made by the 35 grand jury of such county, county of a city, or county of a town, and in the case of the city of Dublin by the town council of the borough of Dublin, and the treasurer shall forthwith issue his warrant for the levying and collecting the amount mentioned in such requisition, and such amount shall be raised and levied within *six months* after 40 the date of such requisition in like manner to all intents and purposes as if the same had been presented under the provisions of

section seventy of the Act of the session of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter sixty-nine, and shall be paid by the said treasurer as aforesaid to the Treasury. A.D. 1876.

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PART III.

CORRUPT PRACTICES.

Definition of Corrupt Practices.

71. The following persons shall be deemed guilty of bribery, and shall be punishable accordingly :

Bribery
defined and
made punish-
able.
17 & 18 Vict.
c. 102. s. 2.

10 (1.) Every person, who directly or indirectly, by himself or by
any other person on his behalf, gives, lends, or agrees to
give or lend, or offers, promises, or promises to procure or
to endeavour to procure, any money, or valuable con-
sideration, to or for any voter, or to or for any person on
15 behalf of any voter, or to or for any other person in order
to induce any voter to vote or refrain from voting, or
corruptly does any such act as aforesaid, on account of
such voter having voted or refrained from voting at any
election ; and

20 (2.) Every person, who directly or indirectly, by himself or by
any other person on his behalf, gives or procures, or
agrees to give or procure, or offers, promises, or promises
to procure or to endeavour to procure, any office, place, or
employment to or for any voter, or to or for any person
25 on behalf of any voter, or to or for any other person in
order to induce such voter to vote or refrain from voting,
or corruptly does any such act as aforesaid on account of
any voter having voted or refrained from voting at any
election ;

30 (3.) Every person who, directly or indirectly, by himself or by
any other person on his behalf, makes any such gift, loan,
offer, promise, procurement, or agreement, as aforesaid, to
or for any person, in order to induce such person to
procure, or endeavour to procure, the return of any person
35 to serve in Parliament, or the vote of any voter at any
election ;

(4.) Every person who, upon or in consequence of any such gift,
loan, offer, promise, procurement, or agreement, procures
or engages, promises, or endeavours to procure the return

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of any person to serve in Parliament, or the vote of any voter at any election;

- (5.) Every person who advances or pays, or causes to be paid, any money to or to the use of any other person with the intent that such money or any part thereof shall be expended in bribery at any election, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election; and

30 & 31 Vict.
c. 102. s. 49.

- (6.) Every person who, either directly or indirectly, corruptly pays any rate on behalf of any ratepayer for the purpose of enabling him to be registered as a voter, thereby to influence his vote at any future election, and every candidate or other person who, either directly or indirectly, pays any rate on behalf of any voter for the purpose of inducing him to vote or refrain from voting:

And any person so offending shall be guilty of a misdemeanor, and shall also be liable to forfeit the sum of *one hundred pounds* to any person who sues for the same, together with full costs of suit:

Provided that this section shall not extend to any money paid or agreed to be paid for or on account of any legal expenses *bonâ fide* incurred at or concerning any election.

Bribery
further de-
fined and
made punish-
able.
17 & 18 Vict.
c. 102. s. 3.

72. The following persons shall also be deemed guilty of bribery and shall be punishable accordingly:

- (1.) Every voter who, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receives, agrees, or contracts for any money, gift, loan, or valuable consideration, office, place, or employment for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting, at any election; and

30 & 31 Vict.
c. 102. s. 49.

- (2.) Every person on whose behalf and with whose privity any payment of a rate for the purpose of enabling him to be registered as a voter, thereby to influence his vote at any future election, or for the purpose of inducing him to vote or refrain from voting at any election, is made; and

- (3.) Every person who, after any election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or to refrain from voting, at any election:

And any person so offending shall be guilty of a misdemeanor, and shall also be liable to forfeit the sum of *ten pounds* to any person who sues for the same, together with full costs of suit. A.D. 1876.

73. Every candidate at an election, who corruptly by himself
 5 or by or with any person or by any other ways or means on his behalf, at any time either before during or after any election, directly or indirectly, gives or provides or causes to be given or provided or is accessory to the giving or providing, or pays wholly or in part, any expenses incurred for any meat drink entertain-
 10 ment or provision to or for any person, in order to be elected, or for being elected, or for the purpose of corruptly influencing such person or any other person to give or refrain from giving his vote at such election, or on account of such person having voted or refrained from voting, or being about to vote or refrain from voting,
 15 at such election, shall be deemed guilty of the offence of treating, and shall forfeit the sum of *fifty pounds* to any person who sues for the same, with full costs of suit:

Treating defined and made punishable.
 17 & 18 Vict. c. 102. s. 4.

Every voter who corruptly accepts or takes any such meat, drink, entertainment, or provision, shall be incapable of voting at such
 20 election, and his vote, if given, shall be utterly void and of none effect.

74. Every person who, directly or indirectly, by himself, or by any other person on his behalf, makes use of, or threatens to make use of, any force, violence, or restraint, or inflicts or threatens the
 25 infliction, by himself or by or through any other person, of any injury, damage, harm, or loss, or in any other manner practises intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting, at any elec-
 30 tion; or who by abduction, duress, or any fraudulent device or contrivance, impedes, prevents, or otherwise interferes with the free exercise of the franchise of any voter, or who thereby compels, induces, or prevails upon any voter either to give or to refrain from giving his vote at any election, shall be deemed to have committed
 35 the offence of undue influence, and shall be guilty of a misdemeanor, and shall also be liable to forfeit the sum of *fifty pounds* to any person who sues for the same, together with full costs of suit.

Undue influence defined and made punishable.
 17 & 18 Vict. c. 102. s. 5.

75. A person who at an election applies for a ballot paper in the name of some other person, whether that name be that of a person
 40 living or dead, or of a fictitious person, or, who having voted once at an election, applies at the same election for a ballot paper in his own name, shall be deemed to be guilty of the offence of personation.

Personation defined and made punishable.
 35 & 36 Vict. c. 33. s. 24.

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The offence of personation, or of aiding, abetting, counselling, or procuring the commission of the offence of personation by any person, shall be a felony, and any person convicted thereof shall be punished by imprisonment for a term not exceeding *two years*, together with hard labour.

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Avoidance of Election and disqualification for Corrupt Practices.

Punishment
of candidate
guilty of
bribery.
31 & 32 Vict.
c. 125. s. 43.

76. Where it is found, by the report of the judge upon an election petition under this Act, that bribery has been committed by or with the knowledge and consent of any candidate at an election, such candidate shall be deemed to have been personally guilty of bribery at such election, and his election, if he has been elected, shall be void, and he shall be incapable of being elected to and of sitting in the House of Commons during the *seven years* next after the date of his being found guilty; and he shall further be incapable during the said period of seven years—

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- (1.) Of being registered as a voter and voting at any election in the United Kingdom; and
- (2.) Of holding any office under the Municipal Corporation Acts or any municipal office; and
- (3.) Of holding any judicial office, and of being appointed and of acting as a justice of the peace.

Candidate de-
clared guilty
of bribery
incapable of
being elected
during Par-
liament then in
existence.
17 & 18 Vict.
c. 102. s. 36.
31 & 32 Vict.
c. 125. s. 46.
35 & 36 Vict.
c. 33. s. 24.

77. If any candidate at an election for a county or borough is reported by a judge on the trial of a petition relating to such election to have been guilty, by himself or his agents, of any corrupt practice, not being personal bribery within the meaning of the preceding section, or to have, by himself or his agents, aided, abetted, counselled, or procured the commission at such election of the offence of personation by any person, such candidate shall be incapable of being elected or sitting in Parliament for such county or borough during the Parliament then in existence.

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Punishment
of candi-
dates for
employing
corrupt
agent.
31 & 32 Vict.
c. 125. s. 44.
35 & 36 Vict.
c. 33. s. 24.

78. If on the trial of any election petition under this Act any candidate is proved to have personally engaged at the election to which such petition relates, as a canvasser or agent for the management of the election, any person, knowing that such person has within seven years previous to such engagement been found guilty of any corrupt practice by any competent legal tribunal, or been reported guilty of any corrupt practice by the report of the judge upon an election petition under this Act, or by the report of Election Commissioners, the election of such candidate shall be void.

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Disqualifica-
tion of per-
sons found

79. Any person, other than a candidate, found guilty of bribery in any proceeding in which after notice of the charge he has had

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an opportunity of being heard, shall, during the *seven years* next after the time at which he is so found guilty, be incapable of being elected to and sitting in Parliament; and also be incapable—

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guilty of bribery.

31 & 32 Vict. c. 125. s. 45.

- (1.) Of being registered as a voter and voting at any election in the United Kingdom; and
- (2.) Of holding any office under the Municipal Corporation Acts or any municipal office; and
- (3.) Of holding any judicial office and of being appointed and of acting as a justice of the peace.

80. If at any time after any person has become disqualified by virtue of this Act, the witnesses, or any of them, on whose testimony such person has so become disqualified, shall, upon the prosecution of such person, be convicted of perjury in respect of such testimony, it shall be lawful for such person to move the Court, as defined by Part One of this Act, to order, and the Court shall, upon being satisfied that such disqualification was procured by reason of perjury, order, that such disqualification shall thenceforth cease and determine, and the same shall cease and determine accordingly.

Removal of disqualification on proof that disqualification was procured by perjury.

31 & 32 Vict. c. 125. s. 47.

81. Where a candidate, on the trial of an election petition claiming the seat for any person, is proved to have been guilty, by himself or by any person on his behalf, of bribery, treating, or undue influence in respect of any person who voted at such election, or where any person retained or employed for reward by or on behalf of such candidate for all or any of the purposes of such election, as agent, clerk, messenger, or in any other employment, is proved on such trial to have voted at such election, there shall, on a scrutiny, be struck off from the number of votes appearing to have been given to such candidate one vote for every person who voted at such election and is proved to have been so bribed, treated, or unduly influenced, or so retained or employed for reward as aforesaid.

Vote to be struck off for bribery, treating, or undue influence.

35 & 36 Vict. c. 33. s. 25.

82. Whenever it is proved before the revising barrister that any person who is or claims to be placed on the list or register of voters for any county or borough is under this Act incapable of being registered as a voter at any election in the United Kingdom, or has been convicted of bribery or undue influence at an election, or that judgment has been obtained against any such person for any penal sum hereby made recoverable in respect of the offence of bribery, treating, or undue influence, the revising barrister shall, in case the name of such person is in the list of voters, expunge the same there—

Names of offenders to be struck out of register and inserted in separate list.

17 & 18 Vict. c. 102. s. 6.

A.D. 1876. from, or shall, in case such person is claiming to have his name inserted therein, disallow such claim.

The names of all persons whose names are so expunged from the list of voters, and whose claims are so disallowed, shall be thereupon inserted in a separate list to be entitled "The list of persons dis- 5
" qualified for bribery, treating, or undue influence," which last-mentioned list shall be appended to the list or register of voters, and shall be printed and published therewith, wherever the same is printed or published.

Illegal Payments.

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No cockades
&c. to be
given at
elections.
17 & 18 Vict.
c. 102. s. 7.

83. No candidate before, during, or after any election shall in regard to such election, by himself or agent, directly or indirectly, give or provide to or for any person having a vote at such election, or to or for any inhabitant of the county or borough for which such election is had, any cockade, ribbon, or other mark of distinction; and every person so giving or providing shall for every such offence forfeit the sum of *two pounds* to such person as sues for the same, together with full costs of suit. 15

All payments made for or on account of any chairing, or any such cockade ribbon or mark of distinction as aforesaid, or of any 20
bands of music or flags or banners, shall be deemed illegal payments within this part of this Act.

Refreshment
to voters on
day of nomi-
nation or
polling
declared
illegal.
17 & 18 Vict.
c. 102. s. 23.

84. The giving or causing to be given to any voter on the day of nomination or day of polling, on account of such voter having polled or being about to poll, any meat, drink, or entertainment, by 25
way of refreshment, or any money or ticket to enable such voter to obtain refreshment, shall be deemed an illegal act, and the person so offending shall forfeit the sum of *forty shillings* for each offence to any person who sues for the same, together with full costs of suit.

Payment of
expenses of
conveying
voters to
the poll
named.
21 & 22 Vict.
c. 87. s. 1.
30 & 31 Vict.
c. 102. s. 36.

85. It shall be lawful for any candidate, or his agent by him 30
appointed in writing according to the provisions of this part of this Act, in the case of an election for a county or for any of the boroughs of East Retford, Shoreham, Cricklade, Much Wenlock, and Aylesbury, to provide conveyance for any voter for the purpose of polling at an election and not otherwise, but it shall not be 35
lawful for any candidate, or any one on his behalf,—

- (1.) either to pay any money or give any valuable consideration to a voter for or in respect of his travelling expenses for such purpose; or
- (2.) at any election for a borough, except the boroughs in this sec- 40
tion above-mentioned, to pay any money on account of the

conveyance of any voter to the poll, either to the voter himself or to any other person. A.D. 1876.

If any such candidate, or any person on his behalf, pays any money on account of the conveyance of any voter in a borough to the poll, in contravention of this section, such payment shall be deemed to be an illegal payment within the meaning of this part of this Act.

Expenses of Elections.

86. No payment (except in respect of the personal expenses of a candidate) and no advance, loan, or deposit shall be made by or on behalf of any candidate at an election, before, or during, or after such election, on account of or in respect of such election, otherwise than through an agent or agents whose name and address or names and addresses have been declared in writing to the returning officer on or before the day of nomination, or through an agent or agents to be appointed in his or their place as herein provided; and any person making any such payment, advance, loan, or deposit, otherwise than through such agent or agents, shall be guilty of a misdemeanor.

No payment to be made by candidates otherwise than through authorised agents.
26 & 27 Vict. c. 29. s. 1.

It shall be the duty of the returning officer to publish on or before the day of nomination, the name and address or the names and addresses of the agent or agents appointed in pursuance of this section.

In the event of the death or legal incapacity of any agent appointed in pursuance of this section, the candidate shall forthwith appoint another agent in his place on giving notice to the returning officer of the name and address of the person so appointed, which shall be forthwith published by the returning officer.

"Personal expenses" in this section includes the reasonable travelling expenses of a candidate, and the reasonable expenses of his living at hotels or elsewhere for the purposes of, and in relation to, the election at which he is candidate.

17 & 18 Vict. c. 102. s. 38.

87. All persons who have any bills charges or claims upon any candidate for or in respect of any election shall send in such bills charges or claims within one month from the day of the declaration of the result of the election to such agent or agents as aforesaid, otherwise such persons shall be barred of their right to recover such claims or any part thereof:

Bills, &c. to be sent in within one month to agent, or right to recover barred.
26 & 27 Vict. c. 29. s. 2.

Provided that—

(1.) In case of the death within the said month of any person claiming the amount of such bill charge or claim, the legal representative of such person shall send in such bill charge

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or claim within one month after obtaining probate or letters of administration, or the right to recover such claim shall be barred as aforesaid; and

- (2.) Such bills charges and claims shall be sent in to the candidate, if and so long as, during the said month, there is owing to death or legal incapacity, no such agent. 5

As to publication of statement of election expenses. 26 & 27 Vict. c. 29. s. 4.

88. A detailed statement of all election expenses incurred by or on behalf of any candidate (including such excepted payments as aforesaid) shall, within two months after the election, (or, in cases where by reason of the death of the creditor no bill has been sent in within such period of two months, then within one month after such bill has been sent in,) be made out and signed by the agent or, if there be more than one, by every agent who has paid the same (including the candidate in case of payments made by him) and delivered, with the bills and vouchers relative thereto, to the returning officer, and the returning officer for the time being shall, at the expense of the candidate, within *fourteen days*, insert or cause to be inserted an abstract of such statement, with the signature of the agent thereto, in some newspaper published or circulating in the county or place where the election was held. 10 15 20

Any agent or candidate who makes default in delivering to the returning officer the statement required by this section shall incur a penalty not exceeding *five pounds* for every day during which he so makes default; and any agent or candidate who wilfully furnishes to the said returning officer an untrue statement shall be guilty of a misdemeanor. 25

The said returning officer shall preserve all such bills and vouchers, and during *six months* after they have been delivered to him permit any voter to inspect the same, on payment of a fee of *one shilling*.

Saving.

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Saving for persons nominated without consent.

89. Nothing in this part of this Act shall be construed to impose any liability on any person nominated as a candidate without his consent.

21 & 22 Vict. c. 87. s. 3.

Legal Proceedings.

Prosecution of bribery by Attorney-General.

26 & 27 Vict. c. 29. s. 9.

31 & 32 Vict. c. 125. s. 16.

90. Where it has been reported,—

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- (a.) By the report to the Speaker of a judge appointed to try an election petition under this Act; or

- (b.) By the report of Election Commissioners made to Her Majesty and laid before Parliament,

that certain persons named in such report have been guilty, in the 40

case of the report of a judge, of any corrupt practice, and in the case of the report of Election Commissioners of the offence of bribery or treating, and have not been furnished by such judge or Commissioners with certificates of indemnity, such report, together
5 with, in the case of the report of the Commissioners, the evidence taken by the Commissioners, shall be laid before the Attorney-General, with a view to his instituting a prosecution against such persons if the evidence should, in his opinion, be sufficient to support a prosecution.

10 **91.** It shall be the duty of the returning officer to institute a prosecution against any person whom he may believe to have been guilty of personation, or of aiding, abetting, counselling, or procuring the commission of the offence of personation by any person at the election for which he is returning officer.

Institution of prosecution for personation by returning officer.
35 & 36 Vict. c. 33. s. 24.

15 **92.** A person shall not be liable to any punishment, penalty, or forfeiture in respect of any offence under this part of this Act unless the prosecution of such offence, or the legal proceeding for the recovery of such penalty or forfeiture, be commenced within one year after the offence is committed, or where the offender is reported
20 by the judge trying an election petition relating to the election at which the offence is alleged to have been committed, or by Election Commissioners appointed in pursuance of this Act, to inquire into the conduct of that election, to have been guilty of a corrupt practice, then within one year after such report is laid before Parliament.

Limitation of time for prosecution of offence.
See 17 & 18 Vict. c. 102. s. 14.
26 & 27 Vict. c. 29. s. 5.

25 For the purposes of this section the issue of a summons, warrant, writ, or other process shall not be deemed to be a commencement of a prosecution or legal proceeding until it has been served on or executed against the alleged offender, except where such service or execution is prevented by the absconding or concealment or act of
30 the alleged offender.

93. The offence of bribery or undue influence shall not be triable before any court of general or quarter sessions.

Court for trial of offences or recovery of penalties.
17 & 18 Vict. c. 102. ss. 9, 10.

The pecuniary penalties imposed by this part of this Act for the offences of bribery, treating, or undue influence respectively
35 shall be recoverable by action by any person who sues for the same in a superior Court, and not otherwise.

94. In any indictment or information for bribery or undue influence, and in any action or proceeding for any penalty for bribery, treating, or undue influence, it shall be sufficient to allege
40 that the defendant was at the election at or in connexion with which the offence is intended to be alleged to have been committed guilty

General allegations sufficient in indictments.
26 & 27 Vict. c. 29. s. 6.

A.D. 1876. of bribery, treating, or undue influence (as the case may require); and in any criminal or civil proceedings in relation to any such offence the certificate of the returning officer in this behalf shall be sufficient evidence of the due holding of the election, and of any person therein named having been a candidate thereat. 5

Costs and expenses of prosecutions.

17 & 18 Vict. c. 102. s. 10.
35 & 36 Vict. c. 33. s. 24.

Recovery of costs from private prosecutor, if judgment is given for defendant.
17 & 18 Vict. c. 102. s. 12.

95. Any criminal court before which any prosecution is instituted for any offence against the provisions of this part of this Act may order payment to the prosecutor of such costs and expenses as to the said Court may appear to have been reasonably incurred in and about the conduct of such prosecution. 10

96. In case of any indictment or information by a private prosecutor for any offence against the provisions of this part of this Act, if judgment is given for the defendant he shall be entitled to recover from the prosecutor the costs sustained by the defendant by reason of such indictment or information, such costs to be 15 taxed by the proper officer of the Court in which such judgment is given.

Prosecutor not to be entitled to costs unless he enters into a recognizance to conduct prosecution and pay costs.
17 & 18 Vict. c. 102. s. 13.

97. It shall not be lawful for any Court to order payment of the costs of a prosecution for any offence against the provisions of this part of this Act, unless the prosecutor before or on the finding 20 of the indictment or the granting of the information, enters into a recognizance, with two sufficient sureties, in the sum of *two hundred pounds* (to be acknowledged in like manner as is now required in cases of writs of certiorari awarded at the instance of a defendant in an indictment), with the conditions following, that 25 is to say, that the prosecutor shall conduct the prosecution with effect, and shall pay to the defendant or defendants in case he or they is or are acquitted his or their costs.

In actions for penalties, parties, &c. to be competent witnesses.

17 & 18 Vict. c. 102. s. 35.
14 & 15 Vict. c. 99.
16 & 17 Vict. c. 83.

98. On the trial of any action for recovery of any pecuniary penalty under this part of this Act, the parties to such action, and 30 the husbands and wives of such parties respectively, shall be competent and compellable to give evidence in the same manner as parties, and their husbands and wives, are competent and compellable to give evidence in actions under the Act of the session of the fourteenth and fifteenth Victoria, chapter ninety-nine, and 35 "The Evidence Amendment Act, 1853," but subject to and with the exceptions contained in those Acts: Provided, that any such evidence shall not thereafter be used in any indictment or criminal proceeding under this part of this Act against the party giving it.

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PART IV.

Miscellaneous.

99. No person having a right to vote at the election for any county or borough shall be liable or compelled to serve as a special constable at or during any election for such county or borough, unless he consent so to act; and he shall not be liable to any fine, penalty, or punishment for refusing so to act, any statute, law, or usage to the contrary notwithstanding.
100. The following terms shall in this Act have the meanings herein-after assigned to them, unless there is something in the context repugnant to such construction; (that is to say,)
- “ Election ” shall mean an election of a member or members to serve in Parliament :
- “ Metropolitan district ” shall mean the city of London and the liberties thereof, and any parish or place subject to the jurisdiction of the Metropolitan Board of Works :
- “ County ” shall not include a county of a city or county of a town, but shall mean any county, riding, parts, or division of a county returning a member or members to serve in Parliament; and shall include in Scotland any combination either of counties, or of counties and portions of counties returning a member or members to serve in Parliament :
- “ Borough ” shall mean any borough, university, city, place, or combination of universities or places, not being a county as herein-before defined, returning a member or members to serve in Parliament :
- “ Candidate ” shall mean any person elected to serve in Parliament at an election, and any person who has been nominated as or declared himself on and after the day of the issue of the writ for such election, or after the dissolution or vacancy in consequence of which such writ has been issued a candidate at an election :
- “ A voter ” means any person who is or claims to have a right to vote at an election :
- “ Revising barrister ” means the officer or person whose duty it is to revise the list or register of voters, and means,—
- (a.) In England, a barrister so appointed under the Registration Act, 1843; and
- (b.) In Scotland, a sheriff or sheriff’s court of appeal; and

Voters not to serve as special constables during elections.

17 & 18 Vict. c. 102. s. 8. Interpretation of terms. 17 & 18 Vict. c. 112. s. 38. 31 & 32 Vict. c. 125. s. 3.

“ Election : ” “ Metro-politan district : ”

“ County : ”

“ Borough : ”

“ Candi-date : ” 21 & 22 Vict. c. 87. s. 3.

“ Voter : ”

“ Revising barrister : ”

- A.D. 1876. (c.) In Ireland, an assistant barrister and chairman presiding in any court held for the revision of the list of voters, or his deputy :
- "Registration Act, 1843:" "Registration Act, 1843," means the Act of the session of the sixth and seventh years of the reign of Her present Majesty, chapter eighteen, intituled "An Act to amend the law for the registration of persons entitled to vote, and to define certain rights of voting, and to regulate certain proceedings in the election of members to serve in Parliament for England and Wales," and the Acts amending the same : 5 10
- "Returning officer:" "Returning officer" shall apply to any person or persons to whom, by virtue of his or their office under any law, custom, or statute, the execution of any writ or precept doth or shall belong for the election of a member or members to serve in Parliament, by whatever name or title such person or persons may be called : 15
- "Corrupt practices:" "Corrupt practices" or "corrupt practice" shall mean bribery, treating, undue influence, and personation, or any of such offences, as defined by Act of Parliament or recognised by the common law of Parliament : 20
- "Municipal Corporation Acts:" "Municipal Corporation Acts" shall mean—
 (a.) As regards England, the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled "An Act for the regulation of municipal corporations in England and Wales," and the Acts amending the same ; and 25
 (b.) As regards Scotland
- ; and
 (c.) As regards Ireland, the Act of the session of the third and fourth years of the reign of Her present Majesty, chapter one hundred and eight, intituled "An Act for the regulation of municipal corporations in Ireland," and the Acts amending the same : 30
- "Municipal borough:" "Municipal borough" shall mean a borough subject to the Municipal Corporation Acts : 35
- "Parliamentary boundary:" "Parliamentary boundary" means the boundary of a borough as fixed for the purpose of the election of members to serve in Parliament for such borough : 35

- “Parish” shall mean a parish or place in which a separate poor rate is or can be made : A.D. 1876.
 “Clerk of the Crown in Chancery” means, as regards Ireland, the Clerk of the Crown and Hanaper in Ireland : “Parish :”
- 5 “Superior Court” shall mean— “Superior court :”
 (a.) As regards England, the Supreme Court of Judicature in England and Her Majesty’s High Court of Justice in England ; and
 (b.) As regards Scotland, the Court of Session or the Lord Ordinary on the Bills in the said court ; and
 10 (c.) As regards Ireland, the Courts of Queen’s Bench, Common Pleas, and Exchequer :
- “Misdemeanor” shall in Scotland mean a crime and offence : “Misdemeanor :”
 “Probate and letters of administration” shall in Scotland mean confirmation of an executor : “Probate and letters of administration :”
 15 “Treasury” shall mean the Commissioners of Her Majesty’s Treasury : “Treasury :”
 “Secretary of State” shall mean one of Her Majesty’s Principal Secretaries of State. “Secretary of State.”
- 20 **101.** This Act shall continue in force *until the thirty-first day of December one thousand eight hundred and seventy-seven*, and the end of the then next session of Parliament. Continuance of Act.
- 102.** The Acts specified in the schedule to this Act, so far as they are unrepealed, are hereby repealed to the extent in the third
 25 column of that schedule mentioned. Repeal of Acts.
- Provided that—
- (1.) The general rules in force under the Parliamentary Elections Act 1868 shall continue in force as if they were made under this Act ; and
- 30 (2.) The judges on the rota for the trial of election petitions at the time of the passing of this Act shall continue on such rota as if they had been placed thereon under this Act ; and
- (3.) The obligation imposed by section fifty-five of the Parliamentary Elections Act 1868 on any judge appointed under that section shall continue ; and
 35
- (4.) The roll of persons entitled to practise in cases of election petitions made in pursuance of section fifty-seven of the Parliamentary Elections Act 1868 shall continue and have effect as if made in pursuance of this Act ; and
 40
- (5.) The report of a judge on an election petition, or of Commissioners appointed under any Act repealed by this Act,
 [291.] F

A.D. 1876.

shall have effect as if made by a judge or Election Commissioners in pursuance of this Act; and

(6.) This repeal shall not affect—

- (a.) Anything duly done or suffered under any enactment hereby repealed; or 5
- (b.) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed; or
- (c.) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any 10 enactment hereby repealed; or
- (d.) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal pro- 15 ceeding, and remedy may be carried on as if this Act had not passed.

Every enactment referring to any enactment repealed by this Act shall be construed and have effect as if it referred to the corresponding enactments in this Act.

SCHEDULE.

A.D. 1876.

Session and Chapter.	Title or Abbreviated Title.	Extent of Repeal.
5 15 & 16 Vict. c. 57. -	An Act to provide for more effectual inquiry into the existence of Corrupt Practices at Elections for Members to serve in Parliament.	The whole Act.
17 & 18 Vict. c. 102. -	The Corrupt Practices Prevention Act, 1854.	The whole Act.
10 21 & 22 Vict. c. 87. -	An Act to continue and amend the Corrupt Practices Prevention Act, 1854.	The whole Act.
26 Vict. c. 29. -	The Corrupt Practices Prevention Act, 1863.	The whole Act.
15 30 & 31 Vict. c. 102. -	The Representation of the People Act, 1867.	Section thirty-six and section forty-nine.
31 & 32 Vict. c. 125. -	The Parliamentary Elections Act, 1868.	The whole Act.
20 32 & 33 Vict. c. 21. -	The Corrupt Practices Commission Expenses Act, 1869.	The whole Act.
34 & 35 Vict. c. 61. -	The Election Commissioners Expenses Act, 1871.	The whole Act.
25 35 & 36 Vict. c. 33. -	The Ballot Act, 1872 - - -	Part III., so far as it relates to Parliamentary elections, except section twenty-four so far as it applies to personation the provisions of the Registration Acts.
30 36 & 37 Vict. c. 66. -	Supreme Court of Judicature Act, 1873.	Section thirty-eight.

Parliamentary Elections and Corrupt Practices.

A

B I L L

To consolidate and amend the Law relating to Election Petitions and the Inquiry into and Prevention of Corrupt Practices at Parliamentary Elections.

(*Prepared and brought in by*
Mr. Attorney General and Mr. Secretary Cross.)

Ordered, by The House of Commons, to be Printed,
8 August 1876.

[Bill 291.]

Under 7 oz.

A

B I L L

TO

Amend the Law for the Registration of Parliamentary Voters in England and Wales. A.D. 1876. —

WHEREAS it is expedient to amend the laws relating to the qualification and registration of voters :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; (that is to say,)

Preliminary.

1. This Act may be cited for all purposes as The Parliamentary Electors Registration Amendment Act, 1876. Short title.

10 2. This Act shall not apply to Scotland or Ireland.

Extent of Act.

Qualification of Voters.

3. It shall not be a necessary part of the qualification of a voter that he shall reside within a prescribed distance from any city or borough for which he is otherwise entitled to vote as an occupier. Distance of residence immaterial to qualification.

15 4. Different qualifications held in immediate succession by any person shall have the same effect in qualifying such person to vote for a county, city, or borough as a continuation of the same qualification. Successive qualification equivalent to a continuation of the same qualification.

20 5. The period of qualification of all parliamentary voters shall end on the *twenty-fourth day of June*, instead of on the last day of July, in each year, and the notice to be given by overseers, under the eleventh section of the sixth Victoria, chapter eighteen, for payment of rates and taxes shall be given on or before the twentieth of May instead of the twentieth of June in every year, and the payment of such rates and taxes shall be made on or before the twentieth of June instead of the twentieth of July in every year. Period of qualification and notice for payment of rates and taxes.

[Bill 169.]

A.D. 1876.

Structural
severance
not essential.

6. The qualifying premises not being structurally severed from some other premises shall not invalidate the qualification of a voter, if the same, in the opinion of the revising barrister, would have been sufficient had structural severance been proved.

"Chambers"
or "office"
to be a suffi-
cient descrip-
tion of
premises.

7. Qualifying premises described as "chambers" or "office" shall be considered sufficiently described, and as if the word chambers and office had been inserted in the twenty-seventh section of the Act of the second year of the reign of King William the Fourth, chapter forty-five. It shall not be necessary that such chambers shall be the residence of the occupiers, nor that such office shall be occupied for commercial purposes. 5

Residence
of landlord
on premises
occupied
by lodger-
voter un-
necessary.

8. It shall not be necessary to the qualification of a lodger that his landlord shall reside in or have any control (other than as a landlord) over the premises of which the qualification forms part.

Registration of Voters.

15

Registers
of voters to
be printed
in street
order.

9. The registers and lists of voters in respect of occupation in counties, cities, and boroughs shall be printed for each parish in the same order as the premises appear in the rate book, or as near thereto as will cause the said register and lists to record the qualifying premises in successive order in the street or other place of situation. 20

Overseers
to mark
the names
"objected"
or "dead"
when neces-
sary.

10. The overseers shall add the words "objected" or "dead" in the margin of the lists of claims in cities or boroughs, in the same manner as now required on lists of claims to vote in counties, by virtue of the fifth section of the Act of the sixth year of the reign of Queen Victoria, chapter eighteen. 25

Notice of
objection to
state specific
ground of
objection.

11. The notice required by the seventeenth and twentieth sections of the Act of the sixth year of the reign of Queen Victoria, chapter eighteen, to be given to parties objected to in cities or boroughs shall state specifically the ground or grounds of objection, and sections seven and eight of the Act of the twenty-eighth and twenty-ninth years of the reign of Queen Victoria, chapter thirty-six, as amended by this Act, shall extend to such objections. 30

In case of
death of
objector,
another duly
qualified
person may
take his
place.

12. In the event of an objector dying before the validity of any objection made by him has been decided, it shall be competent for any other person (qualified to object for the same county, city, or borough) to proceed with such objection on his giving notice of such his intention to the party objected to, which notice shall be served in the same manner as the original notice is required to be served; and thereafter the proceedings thereon shall be continued as if such substituted objector had been the original objector. 35 40

13. A revising barrister shall have power in his discretion to require any person to attend to give evidence or produce documents before him, at any court to be holden by him, and such person shall attend accordingly. The revising barrister may allow such witness
 5 his expenses and direct payment thereof by the party requiring his attendance. Any person who shall wilfully refuse or neglect, when duly required by summons, under the hand of any revising barrister, to attend before such barrister, according to the exigency of such summons, shall, upon proof before him of the service of
 10 such summons, be liable to pay by way of fine for every such offence a sum of money *not exceeding five pounds nor less than twenty shillings*, to be imposed by and at the discretion of such barrister.

A.D. 1876.

Revising barrister may require attendance of witness and production of documents, and may allow expenses.

14. When the name of any person appears more than once upon
 15 any list or register for the same county, city, or borough, the revising barrister, upon being satisfied that the entries relate to the same person, shall add the word "duplicate" in the margin of the said list or register against each repeated name of such person, after the first entry thereof; and such person shall not vote at any
 20 parliamentary election in respect of any such duplicate qualification. Provided, that if such person shall deliver or cause to be delivered, a claim in writing to the revising barrister at the opening of his first revision court in any year for such county, city, or borough, electing to vote on one particular qualification, the
 25 revising barrister shall allow such selection, and the other entries of the same person's name on the said list or register shall be marked "duplicate" as aforesaid. In printing the register no number shall be prefixed to any name so marked "duplicate," and in all subsequent lists and registers, on the preparation thereof, the
 30 word "duplicate" shall be added in the margin thereof, against such duplicates, until altered by the revising barrister.

Revising barrister may order duplicates to be marked as such in the register, but voter may elect a particular qualification.

15. The production of the notice of objection under section eight of the twenty-eighth and twenty-ninth Victoria, chapter thirty-six, shall not be necessary if the revising barrister is satisfied that the
 35 name of the person claiming costs was properly inserted in the list of persons objected to.

Production of notice of objection not necessary under certain circumstances.

16. Notwithstanding the omission of the name of any person from, or the entry of a wrong name in the occupiers column of any rate book, if any person prove that he was the occupier whose name
 40 should have been inserted he shall be deemed, for the purposes of the revision of voters, to have been the rated occupier, and on proof

Omission of name from rate book may be waived on proof of qualification.

A.D. 1876. of the other requisites of his qualification his name shall be retained on the register or list.

Name
wrongly
entered may
be struck off.

17. Any name so proved to have been wrongly entered in any rate book shall be struck off the register or list when any other person's name has been admitted under the last section in respect of the same qualification. 5

Costs of
successful
appeal may
be allowed.

18. The costs of an appellant against the decision of any revising barrister shall (if the appeal be allowed) be in the discretion of the court hearing the appeal, and, if ordered to be paid, shall be paid by the clerk of the peace, town clerk, or returning officer, as the case may be, acting for the county, city, or borough to which such appeal relates, who shall charge the same in his account of the registration expenses. 10

Commence-
ment of Act.

19. This Act shall come into operation on the *twentieth day of May* next after the passing thereof. 15

Parliamentary Electors Registration Bill.

A

B I L L

To amend the Law for the Registration
of Parliamentary Voters in England
and Wales.

(Prepared and brought in by
Mr. Boord, Sir John Lubbock, and Mr. Grantlam.)

Ordered, by The House of Commons, to be Printed,
25 May 1876.

[Bill 169.]

Under 1 oz.

A

B I L L

INTITLED

An Act to amend the Law relating to Parochial Records. A.D. 1876.

WHEREAS doubts have arisen as to whether the Public Records (Ireland) Act, 1867, Amendment Act, 1875, applies to marriage register books kept in duplicate under 7 & 8 Vict. c. 81. by the officiating ministers of the Church in the said Act referred
5 to as the Church of Ireland, or in this Act referred to as the said church; and it is desirable that said doubts should be removed, and the said books excluded from the operation of the said Public Records (Ireland) Act, 1867, Amendment Act, 1875:

And whereas books called or known as “vestry books,” containing entries relating to matters other than baptisms, burials, and
10 marriages, have been kept in many parishes in Ireland, and it is desirable that same should not be removed from said parishes, and accordingly that same should not be deemed “records” within the meaning of the said last-mentioned Act:

And whereas many parishes contain fit and secure buildings for the safe custody of their records, and other parishes may hereafter construct or obtain such fit and secure buildings, and it is desirable to give the Master of the Rolls in Ireland special powers to deal
15 with such cases:

Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and
20 by the authority of the same, as follows:

1. This Act may be cited for all purposes as the Parochial Short title.
25 Records Act, 1876.

2. The description “Master of the Rolls” shall mean “Master Interpretation.
of the Rolls of Ireland.”

3. The Public Records (Ireland) Act, 1867, the Public Records To be read
(Ireland) Act, 1867, Amendment Act, 1875, and this Act, shall be with other
30 read and construed together as one Act. Acts.

[Bill 283.]

A.D. 1876.

"Record" in 38 & 39 Vict. c. 59. shall not include marriage or vestry books, and such books, if removed, shall be restored.

4. The term "record" in the Public Records (Ireland) Act, 1867, Amendment Act, 1875, shall not mean or be held to apply to any marriage register books kept pursuant to the provisions of "the Act for Marriages in Ireland" (7 & 8 Vict. c. 81.), nor to any vestry books which contain entries exclusively relating to matters 5 other than baptisms, burials, and marriages; and in any cases where such books have been removed by order of the Master of the Rolls they shall be committed by a further order of the Master of the Rolls to the charge of any rector, vicar, or curate of the said church in the parish to which such records belong. 10

Master of Rolls may make special orders in case of parish with fit and safe buildings for records.

5. The Master of the Rolls may, if satisfied by a report or reports to be from time to time made to him on his request by one of their officials nominated in that behalf by the Commissioners of Public Works in Ireland (the said Commissioners being hereby authorised and required on the request of the Master of the 15 Rolls to obtain such report or reports) that "records" are kept in fit and safe buildings, and that due provision is made for their safe custody, order and permit the same to remain in the care of any rector, vicar, or curate of the said church in the parish to which such records belong; and may, in the case of parishes where 20 records have been removed by the Master of the Rolls before this Act, if satisfied by such report as aforesaid that fit and safe accommodation has been provided for said records, and due provision made for their future custody, order said records to be committed to the charge of any rector, vicar, or curate of the said church in 25 the parish to which such records belong: Provided always, that the Master of the Rolls may at any time, if satisfied that any records permitted to be retained or committed to such charge as aforesaid under this section are kept in unfit and unsafe buildings, or that due provision is not made for their safe custody, as soon as con- 30 veniently may be, issue warrants directed to the several persons having the care of any such record or records, ordering such persons to allow the same to be removed from its or their place of custody, and deposited in the Record Office; and such records shall in all particulars be regarded as within all the provisions of the Public 35 Records (Ireland) Act, 1867, Amendment Act, 1875, and the orders made in relation thereto shall have the same effect, and be attended with the same consequences, as if made under said Act.

Annual reports to be made to the Master of the Rolls.

6. Every rector, vicar, or curate to whose custody any such records shall be entrusted under the provisions of this Act, shall once 40 in every year make a report to the Master of the Rolls, at such time and in such form as the Master of the Rolls shall from time to time

prescribe, touching the condition and the safety of the records so entrusted to him, and of the building in which the same are kept. A.D. 1876.

7. All the powers of examining and certifying copies of records conferred by the said recited Acts upon the Deputy Keeper of the Records and the Assistant Deputy Keeper of the Records may at any time be exercised by the officer who shall be next in rank in the Public Record Office after the Assistant Deputy Keeper of the Records, and every copy of a record in the custody of the Master of the Rolls certified by such officer, and purporting to be sealed or stamped with the seal of the Public Record Office, shall be received as evidence in every court of justice and before any legal tribunal, and before either House of Parliament or any committee of either House, without any further or other proof thereof, in every case in which the original record could have been received there as evidence.

Powers of
examining
and certi-
fying copies
of records
extended to
third officer
in Record
Office.

Parochial Records. [H.L.]

A

B I L L

INTITULED

An Act to amend the Law relating to
Parochial Records.

(*Brought from the Lords 3 August 1876.*)

*Ordered, by The House of Commons, to be Printed,
3 August 1876.*

[Bill 283.]

Under 1 oz.

A

B I L L

TO

Amend the Partition Act, 1868.

BE it enacted by the Queen's most Excellent Majesty, by A.D. 1876.
and with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled, and
by the authority of the same, as follows:

5 **1.** This Act may be cited as the Partition Act, 1876.

Short title.

2. This Act shall apply to actions pending at the time of the Application
passing of this Act as well as to actions commenced after the passing of Act,
thereof, and the term "action" includes a suit.

3. Where in an action for partition a sale might be directed Court may
10 if all the persons interested or presumptively interested had been direct a sale
originally parties to the action or had been served with notice of the though all
decree or order, the court may, if it thinks fit, direct a sale of the persons
property, and give all necessary or proper consequential directions, interested
although all the persons interested or presumptively interested in are not
15 the property cannot or may not be ascertained or cannot or may ascertained
not be found. or not found.

4. Where in an action for partition it appears to the court that Power to
notice of the decree or order on the hearing of the cause cannot, dispense with
without difficulty or expense disproportionate to the value of the service of
20 property, be served on all the persons on whom that notice is by notice of
the Partition Act, 1868, required to be served, or that any such decree or
person or persons cannot be ascertained, or cannot be found, or order in
cannot, without difficulty or expense disproportionate to the value special cases.
of the property or his share therein, be so ascertained or found, the See
25 court may, if it thinks fit, by the order for sale or any subsequent 31 & 32 Vict.
order, dispense with that service on any person or class of persons c. 40. s. 9.
specified in the order.

5. Where an order is made under this Act dispensing with service Effect of
of a decree or order or any person either individually or as a order dis-
30 member of a class specified in this order and whether he is within pensing with
or without the jurisdiction of the court, that person shall be bound service.

[Bill 73.]

A.D. 1876. by the proceedings in the action as if on the day of the date of the order dispensing with service he had been served with notice of the decree or order service whereof is dispensed with, and thereupon the powers of the court under the Trustee Act, 1850, shall extend to his interests in the property to which the action relates as if he had been a party to the action. 5

Proceedings where service is dispensed with.

6. Where an order is made under this Act dispensing with service of notice on any person or class of persons, and property is sold by order of the court, the following provisions shall have effect :

(1.) The proceeds of sale shall be paid into court to abide the further order of the court : 10

(2.) The court shall, by order, fix a time, at the expiration of which the proceeds will be distributed, and may from time to time, by further order, extend that time : 15

(3.) The court shall direct such advertisements or notices to be given as it thinks best adapted for notifying to the persons on whom service is dispensed with the fact of the sale, and the time of the intended distribution :

(4.) At the expiration of the time so fixed or extended, the court shall distribute the proceeds in accordance with the rights of the persons interested therein, in the same manner as if the parties not served had been actually served. 20

Provision for shares of unascertained or absent persons.

7. In the distribution due reservation shall be made of the shares of absent or unascertained persons, and every person bound by the proceedings in the action shall have, in respect of the proceeds of sale, a share, interest, or right corresponding to his share, interest, or right in the property sold, and the proceeds of sale shall, for the purposes of division and distribution, be in substitution for the property sold. 25 30

Request by married infant or person under disability.

8. In an action for partition a request for sale may be made on the part of a married woman, an infant, or a person under any disability, by his or her next friend or guardian, but the court shall not be bound to comply with any such request on the part of an infant unless it appear that a sale will be for his benefit. 35

Action for partition to include action for sale and distribution of the proceeds.

9. For the purposes of the Partition Act, 1868, and of this Act, an action for partition shall include an action for sale and distribution of the proceeds, and in an action for partition it shall be sufficient to claim a sale and distribution of the proceeds, and it shall not be necessary to claim a partition. 40

Partition Act (1868)
Amendment.

A

B I L L

To amend the Partition Act, 1868.

(Prepared and brought in by
Sir Henry Jackson and Mr. Alfred Marten.)

*Ordered, by The House of Commons, to be Printed,
16 February 1876.*

[Bill 78.]

Under 1 oz.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Partition Act, 1868.

BE it enacted by the Queen's most Excellent Majesty, by A.D. 1876.
and with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled, and
by the authority of the same, as follows:

5 1. This Act may be cited as the Partition Act, 1876, and shall be Short title.
read as one with the Partition Act, 1868.

2. This Act shall apply to actions pending at the time of the Application
passing of this Act as well as to actions commenced after the passing of Act.
thereof, and the term "action" includes a suit, and the term

10 "judgment" includes decree or order.

3. Where in an action for partition it appears to the court that Power to
notice of the judgment on the hearing of the cause cannot be dispense with
served on all the persons on whom that notice is by the Partition service of
Act, 1868, required to be served, or cannot be so served without notice of
expense disproportionate to the value of the property to which the decree or
15 action relates, the court may, if it thinks fit, on the request of any order in
of the parties interested in the property, and notwithstanding the special cases.
dissent or disability of any others of them, by order, dispense with See
that service on any person or class of persons specified in the order, 31 & 32 Vict.
20 and may also, if it thinks fit, by the same or any subsequent order, c. 40. s. 9.
direct a sale of the property and give all necessary or proper
consequential directions.

4. Where an order is made under this Act dispensing with Effect of
service of a judgment on any person either individually or as a order dis-
25 member of a class specified in the order and whether he is within pensing with
or without the jurisdiction of the court, that person shall be bound service.
by the proceedings in the action as if on the day of the date of
the order dispensing with service he had been served with notice
of the judgment service whereof is dispensed with, and there-

[Bill 97.]

A.D. 1876. — upon the powers of the court under the Trustee Act, 1850, shall extend to his interests in the property to which the action relates as if he had been a party to the action.

Proceedings
where ser-
vice is dis-
pensed with.

5. Where an order is made under this Act dispensing with service of notice on any person or class of persons, and property is sold by order of the court, the following provisions shall have effect :

- (1.) The proceeds of sale shall be paid into court to abide the further order of the court :
- (2.) The court shall, by order, fix a time, at the expiration of which the proceeds will be distributed, and may from time to time, by further order, extend that time :
- (3.) The court shall direct such notices to be given by advertisements or otherwise as it thinks best adapted for notifying to the persons on whom service is dispensed with the fact of the sale, the time of the intended distribution, and the time within which a claim to participate in the proceeds must be made :
- (4.) If at the expiration of the time so fixed or extended the interests of all the persons interested have been ascertained, the court shall distribute the proceeds in accordance with the rights of those persons :
- (5.) If at the expiration of the time so fixed or extended the interests of all the persons interested have not been ascertained, and it appears to the court that they cannot be ascertained, or cannot be ascertained without expense disproportionate to the value of the property or of the unascertained interests, the court shall distribute the proceeds in such manner as appears to the court to be most in accordance with the rights of the persons whose claims to participate in the proceeds have been established, whether all those persons are or are not before the court, but to the exclusion of all other persons, and thereupon all such other persons shall by virtue of this Act be excluded from participation in those proceeds on the distribution thereof, but notwithstanding the distribution any excluded person may recover from any participating person any portion received by him of the share of the excluded person.

Provision
for case of
successive
sales in same
action.

6. Where in an action for partition two or more sales are made, if any person who has by virtue of this Act been excluded from participation in the proceeds of any of those sales establishes his

claim to participate in the proceeds of a subsequent sale, the shares of the other persons interested in the proceeds of the subsequent sale shall abate to the extent (if any) to which they were increased by the non-participation of the excluded person in the proceeds of the previous sale, and shall to that extent be applied in or towards payment to that person of the share to which he would have been entitled in the proceeds of the previous sale if his claim thereto had been established in due time. A.D. 1876.

7. In an action for partition a request for sale may be made or an undertaking to purchase given on the part of a married woman, infant, person of unsound mind, or person under any other disability, by the next friend, guardian, committee in lunacy (if so authorised by order in lunacy), or other person authorised to act on behalf of the person under such disability, but the court shall not be bound to comply with any such request or undertaking on the part of an infant unless it appear that the sale or purchase will be for his benefit. Request by married woman, infant, or person under disability.

8. For the purposes of the Partition Act, 1868, and of this Act, an action for partition shall include an action for sale and distribution of the proceeds, and in an action for partition it shall be sufficient to claim a sale and distribution of the proceeds, and it shall not be necessary to claim a partition. Action for partition to include action for sale and distribution of the proceeds.

Partition Act (1868)
Amendment.

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend the Partition Act, 1868.

(Prepared and brought in by
Sir Henry Jackson and Mr. Alfred Marten.)

Ordered, by The House of Commons, to be Printed
8 March 1876.

[Bill 97.]

Under 1 oz.

Patents for Inventions Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

No.	Marginal Note.	Former enactments.*
<i>Preliminary.</i>		
1	Short title - - - - -	1852, s. 56.
2	Commencement of Act - - - - -	1852, s. 57.
3	Repeal of enactments in Schedule.	—
4	Interpretation - - - - -	1852, s. 55.
<i>Commissioners. Examiners.</i>		
5	Commissioners of Patents - - - - -	1852, s. 1.
6	Examiners and Assistant Examiners of Patents.	—
<i>Application: Proceedings thereon.</i>		
7	Filing of application and specification, and of notice of opposition.	1852, ss. 6, 9, 11, 12.
8	Provisional protection - - - - -	1852, s. 8.
9	Reference to examiner.	—
10	Report of examiner.	—
11	Reference to and report by law officer - - - - -	1852, s. 8.
12	Notice to proceed - - - - -	1852, s. 12.
13	Preparation of patent and warrant - - - - -	1852, ss. 15, 18.
14	Petition against sealing.	—
15	Time for sealing - - - - -	1852, ss. 19, 20, 23.
16	Sealing, extent, and duration of patent - - - - -	1852, s. 18.
17	Power for Lord Chancellor to extend time in certain cases.	1852, s. 20. 1853, c. 115. s. 6.
<i>Renewal.</i>		
18	Certificate of renewal to be taken out at end of third and seventh year.	1853, c. 5. s. 2.
<i>Foreign and Colonial Inventions.</i>		
19	Conditions of patents for foreign and colonial inventions.	1852, s. 25.
<i>Foreign Vessels.</i>		
20	Foreign vessels in British waters - - - - -	1852, s. 26.
<i>Amendment.</i>		
21	Amendment of specification - - - - -	1835, s. 1. 1844, s. 5. 1852, ss. 8, 39.

* 1835=5 & 6 Will. 4. c. 83.
1839=2 & 3 Vict. c. 67.
1844=7 & 8 Vict. c. 69.
1852=15 & 16 Vict. c. 83.

1853, c. 5.=16 & 17 Vict. c. 5.
1853, c. 115.=16 & 17 Vict. c. 115.
1865=28 & 29 Vict. c. 3.
1870=33 & 34 Vict. c. 27.

No.	Marginal Note.	Former enactments.
<i>Revocation.</i>		
22	Petition for revocation instead of scire facias.	—
<i>Assignments. Licences.</i>		
23	Assignment for part of United Kingdom - - -	1852, s. 35.
24	Register of proprietors - - -	1852, s. 35.
25	Correction of register - - -	1852, s. 38.
<i>Use of Invention : Obligation to license.</i>		
26	Patent revocable if not used or licences not given.	—
<i>International, Industrial, and other Exhibitions.</i>		
27	Protection of inventions at exhibitions - -	1865, ss. 2, 3. 1870, ss. 2, 4.
<i>Fraud. Offences.</i>		
28	Patent to first inventor not invalidated by application in fraud of him.	1852, s. 10.
29	Falsification of entries in register - - -	1852, s. 37.
30	Penalty for unauthorized use of name of patentee, mark of word patent, &c.	1835, s. 7.
31	False declaration misdemeanour - - -	1852, s. 6. and Schedule.
<i>Crown.</i>		
32	Patent to bind Crown.	—
<i>Procedure.</i>		
33	Costs of opposition - - -	1852, s. 14.
34	Hearing of petitions.	—
35	Dismissal of petition for want of interest.	—
36	No appeal on petition.	—
37	Costs on petition.	—
38	Particulars on petitions, declarations, &c. - -	1835, s. 5. 1852, s. 41.
39	Costs in actions for infringement - - -	1835, ss. 3, 6. 1852, s. 43.
40	Power for court of law to grant injunction, &c. -	1852, s. 42.
41	Attendance of expert.	—
42	Power for Lord Chancellor to make general orders.	—
<i>Commissioners. Patent Office.</i>		
43	Seal of commissioners - - -	1852, s. 2.
44	Sealed copies to be received in evidence - -	1853, c. 115. s. 4.
CL. A.	Offices - - -	1852, s. 4.

No.	Marginal Note.	Former enactments.
45	Clerks and officers - - - - -	1852, ss. 5, 48.
46	General duties of examiners and assistants.	—
47	Power for commissioners to make general rules regulating details, business of office, &c.	1852, ss. 3, 13, 29, 30, 32, 34.
48	Annual report of commissioners - - - - -	1852, ss. 3, 51.
49	Quorum of commissioners - - - - -	1852, s. 1.
	<i>Stamps.</i>	
CL. B.	Stamp duties in schedule - - - - -	1853, c. 5. s. 3.
	<i>Scotland.</i>	
50	Costs of opposition - - - - -	1852, s. 14.
51	Saving for courts - - - - -	1852, s. 43.
52	Proceedings for revocation of patent - - - - -	1852, ss. 35, 43.
53	Recovery of penalty for unauthorized use of name, &c.	1835, s. 7.
	<i>Ireland.</i>	
54	Reservation of remedies - - - - -	1852, s. 29.
	<i>Transitory Provisions.</i>	
55	Saving for effect of repeal and for rights accrued, existing patents, pending applications, &c.	—
56	Commissioners under former Acts to be deemed continued, &c.	—
57	Extension to existing patents of provisions respecting renewal.	—
	<i>Savings.</i>	
68	Saving for powers of Lord Chancellor - - - - -	1852, s. 15.
69	Reservation of powers to Crown - - - - -	1852, s. 16.
60	Saving for prerogative - - - - -	1852, s. 16.
	SCHEDULES.	

A

B I L L

INTITULED

An Act for consolidating, with Amendments, the Acts relating to Letters Patent for Inventions. A.D. 1876.

[Note.—*The words and clauses printed in red ink are proposed to be inserted in Committee.*]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 . *Preliminary.*

1. This Act may be cited as The Patents for Inventions Act, 1876. Short title.¹
[1852, s. 56.]

2. This Act, except where it is otherwise expressed, shall commence from and immediately after the thirty-first day of December one thousand eight hundred and seventy-six, which time is in this Act referred to as the commencement of this Act. Commence-
ment of Act.
[1852, s. 57.]

3. The enactments described in the first Schedule to this Act are hereby repealed. Repeal of
enactments
in Schedule.

4. In this Act—

15 “The Lord Chancellor” means the Lord High Chancellor of Great Britain for the time being, and includes the Lord Keeper or Lords Commissioners of the Great Seal of the United Kingdom for the time being : Interpreta-
tion.
[1852, s. 55.]

20 “The High Court” means in England Her Majesty's High Court of Justice, and in Ireland Her Majesty's High Court of Justice, or other the court having jurisdiction in and cognisance of the matter referred to :

“The Treasury” means the Commissioners of Her Majesty's Treasury, or two of them :

25 “The Law Officer” means Her Majesty's Attorney General or Solicitor General for England for the time being :

[Bill 137.]

A

A.D. 1876.

- “Invention” means any manner of new manufacture the subject of letters patent and grant of privilege within section six of the Statute of Monopolies (that is, the Act of the twenty-first year of the reign of King James the First, chapter three, intituled An Act concerning Monopolies and Dispensations with Penal Laws and the Forfeiture thereof), and includes an alleged invention : 5
- “Patent” means letters patent for an invention : 10
- “Patentee” means the grantee of a patent, and includes his executors, administrators, and assigns : 10
- “Application” means application for a patent :
- “Applicant” means the person making application, and includes his executors, administrators, and assigns :
- “Infringement” means an infringement of the exclusive privilege of a patent : 15
- “Prescribed” means prescribed by general orders or general rules under this Act.

Provisions referring to the United Kingdom extend to the Channel Islands and the Isle of Man.

Commissioners. Examiners.

20

Commis-
sioners of
Patents.
[1852, s. 1.]

5. The Commissioners of Patents for Inventions (in this Act referred to as the commissioners) shall, from the passing of this Act, be the Lord Chancellor, the Master of the Rolls, the two Law Officers, Her Majesty’s Advocate and Solicitor General for Scotland, and Her Majesty’s Attorney General and Solicitor General for Ireland, and such five other persons as Her Majesty, from time to time, by warrant under Her Royal Sign Manual, on the recommendation, as regards two, of the Lord Chancellor, and, as regards the others, of the Board of Trade, thinks fit to appoint to be commissioners during Her Majesty’s pleasure. 30

The commissioners shall have an office called the Patent Office.

Examiners
and Assis-
tant Exa-
miners of
Patents.

6. There shall, after the passing of this Act, be Examiners and Assistant Examiners of Patents (in this Act referred to as the examiners and assistant examiners).

The number of the examiners shall be two, and the number of the assistant examiners shall be two or more, not exceeding four, as the Lord Chancellor, with the consent of the Treasury, from time to time directs. 35

The examiners and assistant examiners shall be appointed by the Lord Chancellor by writing under his hand. 40

They shall be specially qualified for the office by legal or scientific knowledge. A.D. 1876.

The instrument of appointment in each case shall state that in the opinion of the Lord Chancellor the person appointed is so
5 qualified.

Application : Proceedings thereon.

7. An application shall be made by the applicant filing at the Patent Office the prescribed form of application and declaration, and a specification describing the nature of the invention. Filing of application and specification, and of notice of opposition. [1852, ss. 6, 9, 11, 12.]

10 Notice of the application shall be published.

Any person having an interest in opposing the grant may within the prescribed time file notice of opposition, with particulars of his objections, and every person so filing a notice of opposition is in this Act referred to as an opponent.

15 8. The use and publication of the invention by the applicant, during a period of six months from the date of the application, shall not prejudice the grant of a patent for it (which protection from the consequences of use and publication is in this Act referred to as provisional protection). Provisional protection. [1852, s. 8.]

20 The commissioners may issue a certificate in the prescribed form, stating the application and provisional protection.

9. On the expiration of the prescribed time, the commissioners shall, if the applicant gives notice of his intention to proceed with his application, refer the application to an examiner. Reference to examiner.

25 The examiner shall be nominated to act in each case according to a fixed rotation which shall not be made public, or in the other mode prescribed (if any).

10. The examiner shall consider the application, specification, and relative documents, and shall report to the commissioners his opinion thereon, and especially with reference to the following questions: Report of examiner.

- 30 (a.) Whether the invention is a proper subject for a patent within the Statute of Monopolies :
- (b.) Whether the specification is sufficient :
- 35 (c.) Whether the invention appears open to objection on the ground of want of novelty, as far as can be ascertained by such examination as prescribed of former specifications and other documents and publications in the Patent Office:
- (d.) Whether, by reason of the frivolous character of the invention, it is not worthy of a patent.
- 40

A.D. 1876.

Reference to
and report by
law officer.
[1852, s. 8.]

11. After the report of the examiner, the commissioners shall, if the applicant gives notice of his intention to further proceed with his application, transmit to the law officer the application, specification, and relative documents and report.

The law officer shall consider the same, and may, if he thinks fit, 5 hear the applicant and any opponent.

The law officer shall report to the commissioners his opinion whether a patent may be allowed for the invention or not.

The commissioners shall then make public the application, specification, and relative documents, and reports. 10

The reports shall be annexed to and shall always go with the specification.

Notice to
proceed.
[1852, s. 12.]

12. After the report of the law officer, the applicant may within the prescribed time give notice at the Patent Office of his intention to further proceed with his application. 15

If he does not so give notice, he shall be deemed to have abandoned the application, and it shall not be further proceeded on, and the provisional protection shall thereupon cease.

Preparation
of patent
and warrant.
[1852, ss. 15,
18.]

13. If the law officer has reported in favour of the application, the commissioners shall, on the notice to proceed, prepare and 20 submit to the Lord Chancellor a patent, with a warrant for the sealing thereof.

If the law officer has reported against the application, the applicant may, after notice to proceed, petition the Lord Chancellor for the grant and sealing of a patent. 25

Petition
against seal-
ing.

14. Any person may petition the Lord Chancellor against the sealing of a patent.

Time for
sealing.
[1852, ss. 19,
20, 23.]

15. A patent shall not be sealed unless a request for the sealing thereof is made within three months from the date of the warrant, and within the period of provisional protection. 30

Every patent shall be sealed within seven days before the expiration of the provisional protection, and not sooner.

Every patent shall be dated the day of the application; but it shall not be competent for the patentee to take any proceeding in respect of an infringement committed before the publication by 35 the commissioners of the application, specification, and relative documents and reports.

Sealing,
extent, and
duration of
patent.
[1852, s. 18.]

16. Every patent shall be sealed, or impressed with a stamp, as prescribed, and, when so sealed or impressed, shall be deemed to be sealed with the Great Seal of the United Kingdom, and 40 shall have effect throughout the United Kingdom.

The term limited in every patent for the duration thereof shall be fourteen years from its date. A.D. 1876.

17. Notwithstanding anything in this Act, an applicant may obtain, on petition to the Lord Chancellor, such extension of time as the Lord Chancellor thinks fit, in the cases and to the extent following : Power for Lord Chancellor to extend time in certain cases.
[1852, s. 20,
1853, c. 115.
s. 6.]

(1.) Extension of the period of provisional protection, so that it be not extended beyond twelve months in the whole from the date of the application :

10 (2.) Extension of the time within which a request for sealing is to be made :

(3.) Extension of the time within which the patent is to be sealed :

and in every such case every thing done or happening within the 15 extended time shall be deemed to have been done or to have happened within the time originally allowed by this Act.

Renewal.

18. A patent shall, notwithstanding anything therein contained, cease at the end of the third or seventh complete year of the term for which it is granted, unless before the respective end thereof the patentee takes out at the Patent Office a certificate of renewal, which shall be granted on his request in writing. Certificate of renewal to be taken out at end of third and seventh year
[1853, c. 5.
s. 2.]

But if in any case, by accident, mistake, or inadvertence, the patentee fails so to take out a certificate of renewal, he may apply, 25 by petition, to the Lord Chancellor for an enlargement of the time for taking out the same ; and thereupon the Lord Chancellor may, if he thinks fit, enlarge the time accordingly, on such terms (if any) as to him seem just, subject to the following restriction and condition :

30 (1.) The time for taking out such a certificate shall not in any case be enlarged so as to extend beyond three months from the expiration of the third or seventh year aforesaid (as the case may be) :

35 (2.) No proceeding shall be taken in respect of an infringement committed within the enlarged time, unless leave to take such a proceeding is made part of the order for enlargement.

Foreign and Colonial Inventions.

19. Where the invention in respect of which an application is made was not first invented in the United Kingdom, or the applicant is resident out of the United Kingdom, or is a subject Conditions of patents for foreign and

A.D. 1876. or citizen of a foreign state, wherever resident, the following provisions shall have effect :

colonial
invention.
[1852, s. 25.]

- (1.) A patent shall not be granted after the expiration of a foreign patent for the invention, and, if so granted, shall be void :
- (2.) If at the time of the application there is a foreign patent 5 for the invention in force, a patent shall not be granted unless the foreign patentee (by himself, or by his attorney or agent,) is the applicant, and his application is made, in case of a foreign patent granted before the commencement of this Act within six months after the commence- 10 ment of this Act, and in case of a foreign patent granted after the commencement of this Act, within six months after the date of the foreign patent, or of the earliest foreign patent (if there are more than one) :
- (3.) The publication in the United Kingdom of the invention by 15 the circulation or republication of the foreign patent, or of a specification connected therewith, shall not affect the validity of the patent :
- (4.) If at the time of the application there is not a foreign patent for the invention in force, a patent shall not be 20 granted unless the applicant declares himself to be the first and true inventor, or declares and shews himself, as prescribed, to be entitled in law, by assignment or otherwise, to all the rights in respect of the invention of the first and true inventor ; and no patent shall be granted in 25 respect of a communication from abroad :
- (5.) The patent shall cease on the cesser of the foreign patent (if any), or of such one of the foreign patents (if more than one) as first ceases.

For the purposes of this section, any grant of privilege for the 30 monopoly or exclusive use or exercise of an invention in a foreign country shall be deemed a foreign patent.

The provisions of this section relating to a foreign patent shall extend and apply to a colonial patent (that is, a patent granted in any part of Her Majesty's dominions out of the United Kingdom). 35

Foreign Vessels.

Foreign
vessels in
British
waters.

[1852, s. 26.]

20. A patent shall not prevent the use of an invention for the purposes of the navigation of a foreign vessel within the jurisdiction of any of Her Majesty's courts, or the use of an invention in a foreign vessel within that jurisdiction, provided it is not used 40 therein for the manufacture of any thing intended to be sold in or exported from Her Majesty's dominions.

But this section shall not extend to vessels of any foreign state in whose territories British subjects do not enjoy equal benefits in respect of the subject-matter of this section. A.D. 1876.

Amendment.

5 21. An applicant or a patentee may, by request filed at the Patent Office, seek leave to amend his specification by way of disclaimer, explanation, supplement, or otherwise, stating his reasons for the same. Amendment of specification.
[1835, s. 1.,
1844, s. 5.,
1852, ss. 8,
39.]

Where the request is made pending the application, it shall be proceeded on and dealt with as prescribed.

Where the request is made by a patentee, it shall be proceeded on and dealt with in all respects (as nearly as may be) as an application.

An amendment by way of supplement shall not be allowed unless the applicant or patentee declares himself to be the first and true inventor of the supplementary invention, or declares and shows himself, as prescribed, to be entitled in law, by assignment or otherwise, to all the rights in respect of the supplementary invention of the first and true inventor thereof, nor unless the supplementary invention is such as, if known at the date of the application for the original patent, might have been properly comprised in the specification on that application.

Where leave to amend otherwise than by way of supplement is granted, care shall be taken that any amendment be not allowed if it would make the specification as amended claim an invention substantially larger than or substantially different from the invention claimed by the specification as it stood before the amendment.

An amendment shall not be admissible in evidence in a proceeding pending at the time of request for leave to amend, except a proceeding for revocation of the patent.

Where an amendment is allowed after the patent is sealed, no proceeding shall be taken in respect of an infringement committed before the amendment, unless leave to take such a proceeding is made part of the leave to amend.

Leave to amend otherwise than by way of supplement, and except in case of fraud, shall be conclusive as to the right of the party to amend.

Revocation.

22. The proceeding by scire facias to repeal a patent is hereby abolished.

[137.]

A 4

Petition for revocation instead of scire facias.

A.D. 1876. A patent shall be liable to be revoked on petition to the Lord Chancellor on any ground on which a patent might at the commencement of this Act be repealed on a proceeding by scire facias, and on any ground specified in this Act.

Assignments. Licences.

5

Assignment
for part of
United
Kingdom.
[1852, s. 35.]

23. A patentee may assign his patent for England, or for Scotland, or for Ireland, as effectually as if the patent were originally granted to extend to England, or to Scotland, or to Ireland, only.

Register of
proprietors.
[1852, s. 35.]

24. There shall be kept at the Patent Office a book called The Register of Proprietors. 10

Until an entry of an assignment of or licence under a patent is made in the register the original patentee shall be deemed to be the sole proprietor of the patent, and not to have granted any licence thereunder. 15

An entry in the register shall be proof of the assignment or licence or proprietorship, as therein expressed, until the contrary is proved.

The register shall be open to public inspection.

Correction of
register.
[1852, s. 38.]

25. The High Court in England, or a judge thereof, may, at the instance of any person deeming himself aggrieved by any entry made under colour of this Act in the register of proprietors, make such order for expunging or varying that entry, and with respect to the costs of the proceedings, as to the court or judge seems fit. 20

The entry shall be expunged or varied accordingly. 25

Use of Invention : Obligation to license.

Patent re-
vocable if
not used or
licences not
given.

26. A patent shall be liable, at any time after the expiration of two years from its date, to be revoked on either of the following grounds :

(a.) That the patentee fails to use or put in practice the invention, by himself or his licensees, to a reasonable extent, within the United Kingdom, or to make reasonable efforts to secure the use or practice thereof there, proof of the contrary whereof shall lie on him : 30

(b.) That it is made to appear to the Lord Chancellor that, in order to ensure a proper supply to the public of articles produced under the patent, or proper means for the use of 35

the invention by the public, licences are necessary, and the patentee fails to grant licences to proper persons requesting the same, on terms which the Lord Chancellor, having regard to all the circumstances of the case, deems reasonable.

A.D. 1876.

International, Industrial, and other Exhibitions.

27. Every exhibition of either of the kinds following shall be deemed a protected exhibition :

Protection of inventions at exhibitions.
[1865, ss. 2, 3.
1870, ss. 2, 4.]

10 Any of the international exhibitions of select works of fine and industrial art and scientific inventions held under the direction of Her Majesty's Commissioners for the exhibition of 1851 :

15 Any international, industrial, or other exhibition which the Board of Trade on the request of any persons desirous of holding it certify as, in the judgment of the Board of Trade, likely to promote British art or industry, and to be beneficial to the mercantile or industrious classes of Her Majesty's subjects.

The exhibition of an invention at a protected exhibition, or the publication during the holding thereof of a description of an invention there exhibited, or the use of an invention for the purposes of the exhibition and within the place where it is held, or the use elsewhere by any person, without the consent of the true and first inventor, of an invention there exhibited, shall not prejudice the right of the exhibitor thereof, being the true and first inventor, to apply within six months from the time of the opening of the exhibition for a patent for the invention, or invalidate a patent granted for it on that application.

Fraud. Offences.

28. A patent granted to the true and first inventor shall not be invalidated by an application in fraud of him or by provisional protection obtained thereon, or by any use or publication of the invention subsequent to that fraudulent application during the period of that protection.

Patent to first inventor not invalidated by application in fraud of him.
[1852, s. 10.]
Falsification of entries in register.
[1852, s. 37.]

29. If any person makes or causes to be made a false entry in the register of proprietors, or a writing falsely purporting to be a copy of an entry therein, or produces or tenders or causes to be produced or tendered in evidence any such writing, knowing the entry or writing to be false, he shall be guilty of a misdemeanour.

A.D. 1876.

Penalty for
unauthor-
ized use of
name of
patentee,
mark of word
patent, &c.
[1835, s. 7.]

30. In each of the following cases—

- (1.) If any person writes, paints, prints, moulds, casts, carves, engraves, stamps, or otherwise marks on any thing made, used, or sold by him, in respect whereof he has not a patent, the name, or any imitation of the name, of any other person who has a patent in respect thereof, without the leave in writing of the patentee; or
- (2.) If any person, on any such thing, not having been purchased from the patentee or some person who purchased it from or under the patentee, or not having had the licence or consent in writing of the patentee, writes, paints, prints, moulds, casts, carves, engraves, stamps, or otherwise marks the word Patent, or the words Letters Patent, or any words of the like kind or meaning, with a view of imitating or counterfeiting the stamp mark or other device of the patentee, or in any other manner imitates or counterfeits the stamp mark or other device of the patentee :

Every such person shall for every such offence be liable to a penalty not exceeding fifty pounds, to be recovered by action or other proceeding or information in the High Court, *one half thereof to be paid to the Treasury, for the use of the public, and the other to the person who sues.*

False declaration
mis-
demeanour.
[1852, s. 6.
and sche-
dule.]

31. If any person wilfully and corruptly files or causes to be filed at the Patent Office any prescribed declaration, knowing it to be untrue in any material particular, he shall be guilty of a misdemeanour.

Crown.

Patent to
bind Crown.

32. A patent shall have to all intents the like effect as against Her Majesty the Queen, her heirs and successors, as it has as against a subject.

But the officers or commissioners administering any department of the service of the Crown may, by themselves, their agents, contractors, or others, at any time after the application, use the invention for the service of the Crown, on terms to be, before or after the use thereof, agreed on, with the approval of the Treasury, between those officers or commissioners and the patentee, or, in default of such agreement, settled by the Treasury; and the use and publication of the invention under this section during the period of provisional protection shall not prejudice the grant of a patent for the invention.

Procedure.

A.D. 1876.

33. Where the law officer hears an opponent he may, if he thinks fit, direct by and to whom the costs of the hearing and proceedings connected therewith, or any part thereof, shall be paid, and how the amount thereof shall be ascertained.

Costs of opposition.
[1852, s. 14.]

If any costs so directed to be paid are not paid within four days after service of notice of the amount thereof so ascertained on the party liable to pay the same, the law officer may make an order under his hand for payment thereof, and his order may be made a rule of the High Court.

34. Every petition to the Lord Chancellor shall be heard by the Lord Chancellor, or by a judge of the High Court designated in that behalf.

Hearing of petitions.

The provisions of this Act referring to the Lord Chancellor in relation to a petition shall extend to the judge.

35. Any petition may be dismissed on the ground of the petitioner having no interest or no sufficient interest in the matter.

Dismissal of petition for want of interest.

36. No appeal shall lie from any determination or order of the Lord Chancellor in respect of or on a petition; but the Lord Chancellor may allow a rehearing of a petition in any case, if he thinks it just and expedient to do so.

No appeal on petition.

37. The Lord Chancellor shall have on all petitions full power to award costs to any party as he thinks just.

Costs on petition.

38. A petitioner against the sealing of a patent, or for the revocation of a patent, shall deliver with the petition particulars of the objections on which he relies.

Particulars on petitions, declarations, &c.

In an action in the High Court for infringement the plaintiff shall deliver with his statement of claim or declaration particulars of the breaches complained of.

[1835, s. 5, 1852, s. 41.]

39. The defendant shall deliver with his statement of defence or pleas particulars of any objections on which he relies in support thereof.

In every case the particulars delivered shall comprise a statement of the places and manner at and in which the petitioner, plaintiff, or defendant (as the case may be) alleges the acts or things on which he founds the objections to have been done or to have happened, or the breaches to have been committed, or the invention to have been, before the date of the patent, used or published.

At the hearing or trial no evidence shall be admitted in proof of any objection or alleged infringement of which particulars are not so delivered.

[137.]

B 2

A.D. 1876. The particulars delivered may be from time to time amended, as prescribed.

Costs in
actions for
infringe-
ment.

[1835, ss. 3, 6.
1852, s. 43.]

39. On taxation of costs in an action in the High Court for infringement regard shall be had to the particulars delivered by the plaintiff and by the defendant; and they respectively shall not be 5
allowed any costs in respect of any particular delivered by them respectively unless the same is certified by the judge before whom the action is tried to have been proved, or to have been reasonable and proper, without regard to the general costs of the cause.

The judge may certify that the validity of the patent came in 10
question; and in that case, on or in any subsequent petition for revocation or action in the High Court for infringement, the respondent or the plaintiff, on obtaining a final order in his favour or judgment, shall have his full costs, charges, and expenses, as between solicitor and client, unless the judge hearing the petition 15
or trying the action certifies that he ought not to have the same.

Power for
court of law
to grant
injunction,
&c.

[1852, s. 42.]

40. In an action in the High Court for infringement, the Court or a judge thereof, at the instance of the plaintiff or of the defendant, may make such order for an injunction, inspection, or 20
account, and impose such terms and give such directions respecting the same and the proceedings thereon, as to the court or judge seem just and expedient.

Attendance
of expert.

41. On a petition the Lord Chancellor, and in an action in the High Court for infringement the judge before whom it is tried, may, if he thinks fit, obtain the attendance and use the assistance 25
of an expert (that is, of a person competent from his knowledge of manufactures, arts, or science, to advise and assist at the hearing or trial).

The remuneration of the expert shall be paid in the prescribed manner, and shall as between the parties be part of the costs of the 30
proceedings.

Power for
Lord
Chancellor
to make
general
orders.

42. The Lord Chancellor may, from time to time, with the advice and assistance of the Master of the Rolls, make such general orders as he thinks fit for regulating the following matters, or any 35
of them, and all matters connected therewith, under this Act:

The form and times and mode of proceeding in respect of matters brought before the law officer:

The mode in which a patent shall be sealed or impressed with a stamp:

The form, and contents, and times and mode of presentation and of 40
service, of petitions to the Lord Chancellor, and notices in proceedings thereon, and the periods within which the same must be prosecuted with effect:

The nature and amount of the security for costs to be given by petitioners and others on those petitions, by way of deposit or otherwise : A.D. 1876.

5 Generally the procedure on those petitions, and in respect of matters brought before the Lord Chancellor.

General orders may be made under this section at any time after the passing of this Act, but not so as to take effect before the commencement of this Act.

Commissioners. Patent Office.

10 **43.** The commissioners shall have a seal; and impressions thereof shall be judicially noticed and admitted in evidence. Seal of commissioners.

44. Copies or extracts, certified on behalf of and sealed with the seal of the commissioners, of or from records of patents, specifications, amendments, and other documents in the Patent Office, and of or from registers and other books kept there, shall be admitted in evidence in all courts in Her Majesty's dominions, and in all proceedings, as the originals would be. [1852, s. 2.] Sealed copies to be received in evidence. [1853, c. 115. s. 4.]

The Treasury shall provide proper buildings for the Patent Office and the purposes of this Act. CLAUSE A. Offices. [1852, s. 4.]

20 **45.** The commissioners may from time to time after the passing of this Act, subject to the approval of the Treasury, appoint so many clerks and officers as the commissioners think fit, and may from time to time remove any of those clerks and officers. Clerks and officers. [1852, ss. 5, 48.]

The salaries of those clerks and officers, and of the examiners, shall be appointed by the Lord Chancellor, with the concurrence of the Treasury, and the same and the other expenses of the execution of this Act shall be paid out of money provided by Parliament.

30 **46.** The examiners and assistant examiners shall perform in the Patent Office such duties in relation to the arranging, indexing, and abridging of specifications, and otherwise, as the commissioners direct. General duties of examiners and assistants.

47. The commissioners may from time to time make such general rules and do such things as they think expedient, subject to the provisions of this Act, for effecting the following purposes, or any of them, and for regulating all matters connected therewith : Power for commissioners to make general rules regulating details, business of office, &c. [1852, s. 13.]

For prescribing and regulating the form and contents of applications, specifications, drawings, declarations, notices, advertisements, caveats, objections, certificates, reports, amendments, warrants, patents, duplicates, and other documents and instruments, and of copies and extracts, and the times and mode of the making, [137.]

A.D. 1876.

filing, depositing, leaving, recording, registering, giving, noting, certifying, issuing, preserving, publishing, and inspecting of, and otherwise proceeding on and dealing with, the same or any of them, and the printing, lithographing, or writing of the same, or any of them :

5

For prescribing and regulating the deposit of drawings and copies thereof, and of copies of specifications, and of models, in such cases as they think fit :

For regulating the mode in which an examiner shall be nominated in each case :

10

For regulating the proceedings by and before the examiners :

For prescribing and regulating the functions and duties of the assistant examiners :

[1852, ss. 29, 30.]

For securing and regulating the opening to public inspection, and the publishing and selling of copies, at such prices and in such manner as the commissioners think fit, of specifications, drawings, amendments, and reports :

15

[1852, s. 30.]

For regulating the presentation of copies of their publications to public libraries and museums, literary and scientific bodies, and official authorities, in the United Kingdom, the colonies, and foreign countries :

20

[1852, s. 32.]

For securing and regulating the making, printing, publishing, and selling of indexes to, and abridgments of, specifications and other documents in the Patent Office :

For, subject to the approval of the Treasury, establishing and opening to public inspection, a museum or collection of models of inventions and other objects relating to patents and to inventions :

25

[1852, s. 34.]

For keeping and opening to public inspection a record-book of patents, wherein shall be entered notes of all grants of patents, specifications, amendments, revocations, and expirations of patents, with the dates thereof, and other things affecting the validity of patents :

30

For regulating the entries in the register of proprietors :

For regulating, subject to the approval of the Treasury, the fees of experts :

35

For, subject to the approval of the Treasury, regulating the use of stamps under this Act, and prescribing in what manner they shall be impressed and affixed, and insuring the proper cancellation of adhesive stamps :

40

[1852, s. 3.]

Generally for regulating the business of the Patent Office, and all things by this Act placed under the direction or control of the commissioners.

General rules may be made under this section at any time after A.D. 1876. the passing of this Act, but not so as to take effect before the commencement of this Act.

48. The commissioners shall cause a report respecting the execution by or under them of this Act to be laid annually before both Houses of Parliament, and therein shall include for the year to which each report relates all general rules made by them and for the time being in force, and an account of all fees, salaries, allowances, compensations, and other money received and paid under this Act.

Annual report of commissioners. [1852, ss. 3, 51.]

49. All powers of the commissioners may be exercised by any three or more of them, save that the Lord Chancellor or the Master of the Rolls shall concur in the appointment or removal of any clerk or officer appointed or removed by the commissioners, and in the making of general rules made by the commissioners, and in the annual report of the commissioners.

Quorum of commissioners. [1852, s. 1.]

Any act of the commissioners shall not be invalid by reason only of any vacancy in their body.

Stamps.

There shall be paid to and for the use of the Crown, on the several instruments described in the second schedule to this Act, the duties in that schedule mentioned, and no others.

CLAUSE B. Stamp duties in schedule. [1853, c. 5. s. 3.]

Those duties shall be under the management of the Commissioners of Inland Revenue, and shall be deemed stamp duties within The Stamp Duties Management Act, 1870, and other Acts relating to stamp duties.

Any of the stamps may be adhesive, if the Treasury think fit.

Scotland.

50. An order of the law officer for payment of costs may be recorded in the books of Council and Session in Scotland to the effect that execution may pass thereupon in common form.

Costs of opposition. [1852, s. 14.]

51. Nothing in this Act shall affect the jurisdiction and forms of process of the courts in Scotland in an action for infringement, or in any action or proceeding respecting a patent hitherto competent to those courts.

Saving for courts. [1852, s. 43.]

52. Proceedings in Scotland for revocation of a patent shall be in the form of an action of reduction at the instance of Her Majesty's Advocate, or at the instance of a party having interest with concurrence of Her Majesty's Advocate, which concurrence may be given on just cause shewn only.

Proceedings for revocation of patent. [1852 ss. 35, 43.]

A.D. 1876.

Service of all writs and summonses in that action shall be made according to the forms and practice existing at the commencement of this Act.

Recovery of
penalty for
unauthorized
use of name,
&c.

[1835, s. 7.]

53. Where a person is under this Act liable to a penalty in respect of the unauthorized use of a name, word, stamp, mark, or device, the same may be recovered by action, or other proceeding, or information, in the Court of Session in Scotland.

Ireland.

Reservation
of remedies.
[1852, s. 29.]

54. All parties shall, notwithstanding anything in this Act, have in Ireland their remedies under or in respect of a patent as if the same had been granted to extend to Ireland only.

Transitory Provisions.

Saving for
effect of
repeal and
for rights
accrued, ex-
isting pa-
tents, pend-
ing applica-
tions, &c.

55. The repeal of enactments or any other thing in this Act shall not—

Affect the past operation of any of those enactments, or any letters patent granted, or any appointment made, or compensation granted, or any order or direction made or given, or any right, title, obligation, or liability accrued, or the validity or invalidity of anything done or suffered, under any of those enactments before the commencement of this Act: 20

Interfere with the institution or prosecution of any action, suit, or proceeding, civil or criminal, in respect thereof:

Take away or abridge any protection or benefit in relation thereto.

Those enactments shall, notwithstanding anything in this Act, unless it is in any case otherwise provided, continue to operate as if this Act had not been passed, with reference to all patents existing at the commencement of this Act, and to all applications for patents made before the commencement of this Act, and to all patents to be granted on those applications. 25

Nothing in this Act shall, unless it is in any case otherwise expressed, apply to any patent or application with reference to which those enactments so continue to operate. 30

Commission-
ers under
former Acts
to be deemed
continued,
&c.

56. For the purposes of proceedings taken or continued after the commencement of this Act under any enactments repealed by this Act, the commissioners under this Act shall be deemed to be the same body as the commissioners under any of those enactments. 35

The registers of proprietors and of patents kept under any of those enactments shall respectively be deemed parts of the same books

as the register of proprietors and record-book of patents under this Act. A.D. 1876.

57. The provisions of this Act relating to certificates of renewal, and to the enlargement of time for the taking out of those
 5 certificates, shall extend and apply to patents existing at the commencement of this Act, and to patents to be granted on applications made before the commencement of this Act, notwithstanding anything in any such patent, or in this Act, or in any enactment repealed by this Act. Extension to existing patents of provisions respecting renewal.

10

Savings.

58. Notwithstanding anything in this Act, the Lord Chancellor shall have and may exercise such powers, authorities, and discretion in respect of a warrant for the sealing of a patent, and of the patent, as at the commencement of this Act he has and might
 15 exercise in respect of a warrant for the issuing under the Great Seal of a patent, and in respect of the issuing of a patent on that warrant. Saving for powers of Lord Chancellor. [1852, s. 15.]

59. It shall be lawful for Her Majesty the Queen, her heirs or successors, by warrant under the Royal Sign Manual—
 20 To direct any specification to be cancelled before the sealing of the patent, and thereupon the provisional protection shall cease :
 To direct the commissioners to withhold their warrant for the sealing of a patent :
 To direct that a patent for the issuing whereof a warrant has
 25 been sealed shall not issue :
 To direct the insertion in any patent of any restrictions, conditions, or provisoes in addition to or in substitution for any restrictions, conditions, or provisoes that would otherwise be inserted therein.

60. Nothing in this Act shall take away, abridge, or pre-
 30 judicially affect the prerogative of the Crown in relation to the granting of any letters patent, or to the withholding of a grant thereof. Saving for prerogative. [1852, s. 16.]

A.D. 1876.

SCHEDULES.

THE FIRST SCHEDULE.

Enactments repealed.

5 & 6 Will. 4. c. 83. - [10 September 1835.]	An Act to amend the Law touching Letters Patent for Inventions.	5
2 & 3 Vict. c. 67. - [24 August 1839.]	An Act to amend an Act of the fifth and sixth years of the reign of King William the Fourth, intituled An Act to amend the Law touching Letters Patent for Inventions.	
7 & 8 Vict. c. 69. - [6 August 1844.] in part.	An Act for amending an Act passed } in the fourth year of the reign of } His late Majesty, intituled An Act } for the better Administration of } in part ; namely,— Justice in His Majesty's Privy } Council, and to extend its juris- } diction and powers. }	10
15 & 16 Vict. c. 83. - [1 July 1852.]	Sections two to seven, both inclusive. The Patent Law Amendment Act, 1852.	15
16 & 17 Vict. c. 5. - [21 February 1853.]	An Act to substitute Stamp Duties for fees on passing Letters Patent for Inventions, and to provide for the purchase for the public use of certain Indexes of Specification.	20
16 & 17 Vict. c. 115. - [20 August 1853.]	An Act to amend certain provisions of the Patent Law Amendment Act, 1852, in respect of the transmission of certified copies of Letters Patent and Specifications to certain offices in Edinburgh and Dublin, and otherwise to amend the said Act.	25
22 Vict. c. 13. - [8 April 1859.]	An Act to amend the Law concerning Patents for Inventions with respect to Inventions for Improvements in Instruments and Munitions of War.	
28 & 29 Vict. c. 3. - [27 March 1865.] in part.	The Industrial Exhibitions Act, 1865, in part ; namely,— Section two as far as the same relates to Patents, and section three.	30
33 & 34 Vict. c. 27. - [14 July 1870.] in part.	The Protection of Inventions Act, 1870, in part ; namely,— Section two and section four as far as section four relates to Patents.	35

THE SECOND SCHEDULE.

A.D. 1876.

Stamp Duties.

I.—PAYABLE BY APPLICANT AND PATENTEE.

a. Up to sealing.

	£	s.	d.	£	s.	d.
5						
On application	-	-	-	5	0	0
On certificate of request for leave to amend	-	-	-	5	0	0
On patent	-	-	-	15	0	0
				<hr/>	25	0 0

10

b. Further at end of three years after patent.

On certificate of renewal	-	-	-	50	0	0
On order for enlargement of time	-	-	-	5	0	0

c. Further at end of seven years after patent.

15	On certificate of renewal	-	-	-	100	0 0
	On order for enlargement of time	-	-	-	10	0 0

d. Further for amendment after patent.

	On certificate of request for leave to amend :					
	By way of supplement	-	-	-	10	0 0
	In any other case	-	-	-	5	0 0

20

II.—PAYABLE BY OPPONENT.

On certificate of record of notice of opposition	-	-	2	0	0
On caveat against leave to amend	-	-	2	0	0

III.—MISCELLANEOUS.

25

On certificate of entry of assignment or licence	-	-	0	5	0
On certificate of search or inspection	-	-	0	1	0
On office copy of a document, for every seventy-two words	-	-	0	0	2

Patents for Inventions.

[H.L.]

A

B I L L

INTITLED

An Act for consolidating, with Amendments, the Acts relating to Letters Patent for Inventions.

(*Brought from the Lords 30 March 1876.*)

*Ordered, by The House of Commons, to be Printed,
26 April 1876.*

[Bill 137.]

Under 3 oz.

A
B I L L

TO

Amend the Pensions Commutation Act, 1871.

A.D: 1876.

WHEREAS by section ten of the Pensions Commutation Act, 1871, it is provided, that if any pension holder whose pension has been commuted in pursuance of that Act accepts any public employment, such deduction on account of his commuted pension as is therein mentioned shall be made from the salary or pension payable in respect of such employment :

And whereas it is expedient to exempt from the provisions of that section an officer in the army on half pay who retires in the manner herein-after mentioned :

10 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the "Pensions Commutation Act, 1876." This Act and the "Pensions Commutation Act, 1871," may be cited together as the "Pensions Commutation Acts, 1871 and 1876."

2. Where an officer being on half pay has either before or after the passing of this Act been permitted to retire from the army by commutation of his half pay, and received under section three of the Regulation of the Forces Act, 1871, the sum which, in addition to the said commutation, amounted to the regulation price of the saleable commission held by him, and such officer has either before or after the passing of this Act accepted any public employment, no deduction on account of the half pay so commuted shall be made under section ten of the Pensions Commutation Act, 1871, from the salary payable, or any pension granted to him in respect of such employment.

3. An officer or clerk of any telegraph company (the undertaking of which has been purchased by the Postmaster-General) who is

[Bill 230.]

34 & 35 Vict.
c. 36.

Short title.

Exemption of
certain half
pay officers
of army from
34 & 35 Vict.
c. 36. s. 10.
34 & 35 Vict.
c. 86.

Application
of 35 & 36
Vict. c. 83.

to officers of telegraph companies receiving annuities, to cease after 31Dec.1876. entitled to receive an annuity during his life from the Postmaster-General, by way of compensation for the loss of his office, shall not be entitled to commute that annuity in pursuance of the Pensions Commutation Act, 1872, unless his application for commutation is forwarded to the Postmaster-General before the first day of January 5 one thousand eight hundred and seventy-seven.

**Pensions Commutation
Act Amendment.**

A

B I L L

To amend the Pensions Commutation
Act, 1871.

*(Prepared and brought in by
Mr. Raikes, Mr. Secretary Hardy, and
Mr. William Henry Smith)*

*Ordered, by The House of Commons, to be Printed,
4 July 1876.*

[Bill 230.]

Under 1 oz.

Permissive Prohibitory Liquor Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Adoption of this Act. On requisition of ratepayers, notice of time of voting to be given.
2. Qualification of voters.
3. Mode of voting.
4. Collection of votes.
5. Examination of votes, and declaration of result. Two thirds majority required.
6. Penalties for fabricating voting papers.
7. Notice of the adoption of Act, and its immediate operation.
8. After vote against the adoption of the Act, one year to intervene before another vote be taken.
9. Ratepayers to have power to reconsider the adoption of this Act.
10. Prohibition of common sale.
11. Interpretation clause.

SCHEDULE.

A

B I L L

TO

Enable Owners and Occupiers of Property in certain Districts to prevent the common Sale of Intoxicating Liquors within such Districts. A.D. 1876.

WHEREAS the common sale of intoxicating liquors is a fruitful source of crime, immorality, pauperism, disease, insanity, and premature death, whereby not only the individuals who give way to drinking habits are plunged into misery, but grievous wrong is done to the persons and property of Her Majesty's subjects at large, and the public rates and taxes are greatly augmented :

And whereas it is right and expedient to confer upon the ratepayers of cities, boroughs, parishes, and townships the power to prohibit such common sale as aforesaid :

10 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. At any time from and after the *passing of this Act* it shall be lawful for one or more ratepayers residing in any municipal borough or parish, by notice in writing under their hands, to require the mayor of such municipal borough or the overseers of the poor of such parish to take the votes of the ratepayers of such municipal borough or parish respectively as to the propriety of bringing into operation therein the provisions of this Act; and the mayor or overseers as aforesaid, within days of receiving such requisition, shall cause a public notice to be affixed on or near to the town hall of such borough, and on or near to the outer and principal door of every church or chapel within such borough or parish, and shall also cause notice to be inserted in some newspaper published in such borough or parish, or, if there be none so published, in some newspaper published in the county in which such borough or parish is situate, specifying on what day, not earlier than days after the publication

Adoption of this Act.

On requisition of ratepayers, notice of time of voting to be given.

A.D. 1876. of the said notices, the ratepayers of such borough or parish are required to signify their votes for or against the adoption of this Act.

Qualifica-
tion of
voters.

2. Every person who is rated to the relief of the poor or entitled to vote in the election of guardians of the poor for the borough or 5 parish in which the votes are to be taken shall be entitled to one vote for or against the adoption of this Act.

Mode of
voting.

3. The mayor of such borough or the overseers of such parish shall cause voting papers, in the form contained in the schedule (A.) to this Act annexed, to be prepared, and shall, *three days* 10 before the day appointed for voting as aforesaid, cause one of such papers to be delivered at the residence of each person entitled to vote as aforesaid; and each voter shall upon the voting paper so delivered signify by writing the word yes or no upon the said paper, and by signing his name thereto, whether he votes for or against 15 the adoption of this Act; provided always, that if any voter cannot write he shall affix his mark at the foot of the voting paper in the presence of a witness, who shall fill up the voting paper in the presence of the voter, and shall attest and write the name of the voter upon the same. 20

Collection
of votes.

4. The mayor of such borough or the overseers of such parish shall cause the voting papers to be collected on the day appointed for the voting as aforesaid by persons employed by them for the purpose, as he or they shall direct; but no voting paper shall be received or admitted unless the same have been delivered at the 25 residence of the voter as aforesaid, nor unless the same be collected by the persons so employed for that purpose; provided always, that if any person qualified to vote shall not have received a voting paper as aforesaid, he shall, on application, on or before the day of voting, to the said mayor or overseers, be entitled to receive a 30 voting paper, and to fill up and sign the same in his or their presence, and then and there deliver the same to him or them: Provided also, that in case any voting paper duly delivered shall not have been duly collected through the default of the said persons so employed to collect the same, the voter in person may deliver 35 the same to the said mayor or overseers before twelve at noon on the day following the day of voting.

Examina-
tion of votes,
and declara-
tion of re-
sult.

5. The mayor of such borough or the overseers of such parish shall, after twelve at noon on the day immediately following the day of voting, examine the said votes, and shall declare as here- 40 after mentioned whether a majority of duly qualified votes has been given in favour of the adoption of this Act, and the adoption or

non-adoption of this Act within such borough or parish shall depend on such majority of votes; provided always, that this Act shall not be adopted within such borough or parish unless at least *two thirds* of the aggregate number of votes so given as aforesaid be in favour thereof.

A.D. 1876.

Two thirds
majority
required.

6. If any person fabricates, in whole or in part, or alters, defaces, destroys, abstracts, or purloins any voting paper, or personates any person entitled to vote in pursuance of this Act, or falsely assumes to act in the name or on behalf of any person so entitled to vote, or interrupts the distribution of any voting papers, or distributes the same under false pretences of being lawfully authorised so to do, he shall for every such offence be liable, on conviction before two justices, to be imprisoned in the common gaol or house of correction for any period not exceeding *three months*, with or without hard labour.

Penalties for
fabricating
voting
papers.

7. The mayor of such borough or the overseers of such parish shall, if this Act be adopted as aforesaid, immediately give notice thereof by affixing the same on or near to the town hall in such borough, and to the outer and principal doors of every church and chapel in such borough or parish, and shall immediately give notice thereof to Her Majesty's Principal Secretary of State for the Home Department, and to the Chairman of the Board of Inland Revenue, and deliver to the clerk to the justices acting in and for such borough, or for the district or division in which such borough or parish is situated, a certificate in writing of the adoption of the Act, to be by the said clerk recorded and preserved, which certificate, or a copy thereof, certified by the said clerk of the justices, shall be conclusive evidence in any proceedings under or by virtue of this Act that this Act was duly adopted within the said borough or parish.

Notice of
the adoption
of Act, and
its immediate
operation.

8. If the ratepayers of any such borough or parish shall determine in manner aforesaid against the adoption of this Act, it shall not be lawful, within *one year* after such determination, again to take the votes of the ratepayers of such borough or parish as to the propriety of bringing into operation therein the provisions of the said Act.

After vote
against the
adoption of
the Act, one
year to inter-
vene before
another vote
be taken.

9. If the ratepayers of such borough or parish shall determine in manner aforesaid in favour of the adoption of this Act, it shall be lawful, after the expiration of *three years* from the commencement of this Act coming into operation, for any ratepayers of such borough or parish again to call upon the mayor of the borough or the overseers of the poor of the parish again to take the votes of the ratepayers of the borough or parish, in like manner as herein-before provided for the adoption of this Act, and

Ratepayers
to have
power to
reconsider
the adoption
of this Act.

A.D. 1876. the continuance or otherwise of the operation of this Act within such borough or parish shall be determined by a majority of the votes so given.

Prohibition
of common
sale

10. From and after the time limited for the commencement of this Act in any borough or parish, as herein-before provided, no license whatever shall be granted or renewed for the sale of alcoholic liquor within such borough or parish; and any person selling or disposing of any alcoholic liquor within such borough or parish shall be dealt with as selling without license, and shall be subject to all the penalties provided for such offence under any Act or Acts of Parliament regulating the sale of alcoholic liquors which may be in force at the time of the adoption of this Act; provided nevertheless, that nothing herein contained shall affect any rights or privilege conferred or enjoyed by virtue of any license current or in force at the commencement of this Act during its said currency, and that nothing herein contained shall be held to affect any sales made under the provisions of any statute permitting the sale of methylated spirits for use in the arts and manufactures of the United Kingdom.

Interpreta-
tion clause.

11. In the construction of this Act the following words and expressions shall have the following meanings assigned to them respectively: "municipal borough" shall mean city, borough, burgh, or any corporate town; "parish" shall mean any parish, township, village, tithing, extra-parochial place, or place maintaining its own poor; "mayor" shall mean also provost, high constable, high bailiff, baron bailie, or other chief officer of any city or borough; "overseers of the poor" shall mean any persons authorised and required to make and collect the rates for the relief of the poor, and acting as overseers of the poor; "alcoholic liquor" shall include all spirituous liquors, wine, ale, beer, cyder, perry, and every description of intoxicating liquors.

SCHEDULE.

A.D. 1876.

FORM (A.)

Voting Paper.

5 An Act to enable Owners and Occupiers of Property in certain Districts to prevent the common Sale of Intoxicating Liquors within these Districts.

A requisition signed by _____ ratepayers of this _____
having been presented to me, requesting me to take the votes of those
duly qualified according to the terms of the Act, you are hereby required
to signify your vote for or against the adoption of this Act, thus:—

10		In favour of.	Against.
	Do you vote in favour of or against the adoption of this Act in this _____ ?		

John Smith,
of 26, High Street.

15 N.B.—The ratepayer will write “yes” or “no” under the heading “in
favour” or “against,” according as he votes for or against the adoption of
the Act. He is also required to subscribe his name and address at full length.
If a voter cannot write, he must make his mark instead of initials, but such
mark must be attested by a witness, and such witness must write the initials
20 of the voter against his mark. This paper will be collected on the
of _____ between the hours of _____ and _____
[Take notice.—If any person wilfully commits any of the acts following,
that is to say, fabricates, in whole or in part, alters, defaces, destroys, abstracts,
or purloins, any voting paper, or personates any person entitled to vote in
25 pursuance of this Act, or falsely assumes to act in the name or on the behalf
of any person so entitled to vote, or interrupts the distribution of any voting
papers, or distributes the same under a false pretence of being lawfully autho-
rised so to do, he shall for every such offence be liable, on conviction before
two justices, to be imprisoned in the common gaol or house of correction for
30 any period not exceeding three months, with or without hard labour.

(Signed by the mayor or overseer.)

Permissive Prohibitory Liquor.

A

B I L L

To enable Owners and Occupiers of Property in certain Districts to prevent the common Sale of Intoxicating Liquors within such Districts.

*(Prepared and brought in by
Sir Wilfrid Lawson, Sir Thomas Bazley,
Mr. Downing, Mr. Richard, Dr. Cameron,
Mr. Dabney, and Mr. William Johnston.)*

*Ordered, by The House of Commons, to be Printed,
9 February 1876.*

[Bill 19.]

Under 1 oz.

A

B I L L

FOR

Confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Aldborough, Cattewater, Gardenstown, and Llandudno. A.D. 1876.

WHEREAS a Provisional Order made by the Board of Trade under The General Pier and Harbour Act, 1861, is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 24 & 25 Vict.
c. 45.

5 And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and
10 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The several Orders set out in the schedule to this Act shall be and the same are hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule
15 shall, from and after passing of this Act, have full validity and force. Confirma-
tion of
Orders in
schedule.

2. This Act may be cited as the Pier and Harbour Orders Confirmation Act, 1876. Short title.

A.D. 1876.

The SCHEDULE of ORDERS.

Aldborough.

1. ALDBOROUGH.—Construction of Pier.
2. CATTEWATER.—Amendment of former Order.
3. GARDENSTOWN.—Construction of Harbour Works.
4. LLANDUDNO.—Construction of Pier.

5

ALDBOROUGH.

*Order for the Construction, Maintenance, and Regulation of a
Pier, Landing-places, and other Works at Aldborough, in the
county of Suffolk.*

- | | | |
|-------------------------------------|--|----|
| Undertakers. | 1. The Aldborough Pier and Improvements Company (Limited) shall be the Undertakers of the works authorised by this Order, and shall have and may exercise the several powers, privileges, and authorities by this Order conferred on the Undertakers, and may carry this Order in all respects into execution. | 10 |
| Incorporation of Lands Clauses Act. | 2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 (except so much thereof as relates to the purchase or taking of lands otherwise than by agreement), shall respectively be incorporated with this Order. | 15 |
| Power to take lands by agreement. | 3. For the purposes of the works authorised by this Order, the Company may from time to time, by agreement, enter upon and take and may use such of the lands shown on the plans deposited for the purposes of this Order as they think requisite. | 20 |
| Power to make works. | 4. Subject to the provisions of this Order, and subject also to such alterations (if any) in the plans and sections deposited with reference to this Order as the Board of Trade require from time to time, before the completion of the works, in order to prevent injury to navigation, the Company may, on the lands taken by them under this Order, and in the lines and situations and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon), and within the limits of deviation shown on these plans, make and maintain the pier, landing-places, and works authorised by this Order. | 25 |
| Description of works authorised. | 5. The works authorised by this Order comprise the following:— | 30 |
| | 1. A pier, commencing on the sea-beach, at or near the Moot Hall, and proceeding seaward in an easterly direction towards and below low-water mark, to a distance of one hundred and forty-five yards, and of a width of not less than twenty feet, and a height above high-water mark of not less than thirteen feet; | 35 |

2. All such sea-walls, roads, approaches, landing-places, and other works connected with the said pier, for the convenient loading and unloading of vessels, and for embarking and landing of passengers, cattle, coals, goods, merchandise, and things as shall be deemed necessary. A.D. 1876.
Aldbrough.

5 6. Every person who wilfully obstructs any person acting under the authority of the Company in setting out the lines of the works by this Order authorised, or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the said works, or defaces or destroys the said works or any part thereof, shall be guilty of an offence, and shall for every
10 such offence be liable to a penalty not exceeding five pounds. *Penalty for obstructing works.*

7. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary to the due construction of the works authorised by this Order have been given, the Company may, subject and according to
15 the provisions of this Order, for the use of the pier, landing-places, and works and conveniences connected therewith, demand and take in respect of the vessels, boats, goods, animals, fish, persons, and things described in the schedule to this Order any sums not exceeding the rates in that schedule mentioned. *Power to take rates in schedule.*

8. The Company may from time to time erect upon or near the pier or
20 landing-places, or the approaches thereto, tramways, toll-houses, seats, waiting, refreshment, and other rooms, and may mortgage, sell, and lease their undertaking and works, or any part or parts thereof, or the tolls, rates, duties, and other charges authorised to be taken by this Order, upon such terms (pecuniary or otherwise) and under such restrictions and conditions as they think fit, and
25 a mortgagee in possession, purchaser, or lessee shall have and may exercise all the same powers of levying and recovering tolls, rates, and dues, and all such other rights and powers as the Company have or might exercise under this Order, and shall be subject to the same provisions as to accounts and otherwise as the Company are subject to under this Order. *Further powers as to works, and to sell or lease undertaking.*

9. If at any time it appear to the Board of Trade that the clear annual income derived from the pier and works on the average of the then last three preceding years, after payment of all expenses and outgoings other than payments of interest or principal in respect of money borrowed, shall exceed interest at the rate of ten pounds per cent. per annum on the entire sum from
35 time to time appearing to the Board of Trade to have been expended by the Company in executing works authorised by this Order, the Board of Trade may, if in their discretion they think fit, reduce the rates leviable under this Order to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten pounds per cent. per annum, and the rates shall thereupon be
40 reduced accordingly, but with power to the Board of Trade at any time, and from time to time, to raise them again to not exceeding the amounts specified in the schedule to this Order. *Board of Trade may reduce rates.*

10. The Company, within one month after sending to the clerk of the peace the copy of their annual account in abstract, shall send a copy of the same to
54 the Board of Trade; and the sixteenth section of "The General Pier and Harbour Act (1861) Amendment Act" shall apply to and include any and every such account. If the Company refuse or neglect to comply with this *Annual account to be sent to Board of Trade.*

A.D. 1876. provision, they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

Aldborough.

Certain fishing vessels under stress of weather exempt from rates.

11. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in ports or on the coasts of the United Kingdom shall, when forced by stress of weather to make use of the pier and works authorised by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order. 5

Pass tickets for use of pier.

12. The Company may grant to passengers, promenaders, and others, pass tickets for the use of the pier and works at such rates, on such terms, and for such periods, not exceeding one year, as may be agreed upon, but so that no preference be given to any person. A pass ticket shall not be transferable nor be used by any person other than the person to or for whom it is granted, nor by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses or attempts to use any false or counterfeit ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recoverable and applicable under "The Harbours, Docks, and Piers Clauses Act, 1847," for all the purposes of which Act this Order shall be deemed the special Act. 10 15

Exemptions of Custom House officers from rates.

13. Officers of customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress from, to, over, and along the pier and works by land and with their vessels without payment. 20

Steam engines, cranes, mooring posts, &c.

14. The Company may provide and use such steam engines, piling engines, cranes, buoys, mooring posts, mooring craft, weighing machines, tackle, and other machinery, vessels, apparatus, and conveniences as they think proper for carrying on the business of the Company, or for any of the purposes of this Order, and may demand and take such sums for the use thereof as they think reasonable. 25

Restriction and use of pier.

15. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at any pier, jetty, or landing-place authorised by this Order, any sheep, cattle, or merchandise, or to ship or unship there anything which in the judgment of the Company might in any way interfere with the use of the pier, jetties, or passengers' landing-places, for recreation or for embarking or landing of passengers, except at the places provided for the purpose of landing or shipping of cattle, merchandise, and other like things. 30 35

Pier to be deemed within the contiguous jurisdiction.

16. The pier and works shall, in respect of all matters, crimes, or offences arising or committed thereon, requiring the cognizance of any justice of the peace, be deemed and taken to be within the same jurisdiction as that part of the shore with which it shall immediately communicate. 40

As to lights during construction of works.

17. Before commencing the works authorised by this Order, the Company shall apply to the Board of Trade for directions as to the lights to be exhibited, and shall in all respects obey any direction given upon such application, or afterwards from time to time given as to lights by the Board of Trade during the construction of the works; and compliance with directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works. If the Company refuse or neglect to observe any direction of the Board of Trade as to lights during the construction of the 45

works, they shall for each offence be liable to a penalty not exceeding ten pounds. A.D. 1876.

Aldborough.

As to lights
after comple-
tion of works.

18. After completion or permanent discontinuance or abandonment of the works authorised by this Order, the Company shall, at the outer extremity of the pier and works, or the completed portion thereof, exhibit from sunset to sunrise such light or lights (if any) as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond, and shall apply to that corporation for directions as to lighting; and the Company shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply.

19. Sections 16 to 19, inclusive, of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order.

Parts of Har-
bours, &c. Act
excepted. †

20. The Company shall have the appointment of meters and weighers on or in connexion with the pier and works.

Meters and
weighers.

21. The Company may make byelaws for the regulation and control of the fishermen and others, and goods and traffic, on the pier and works authorised by this Order; but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes.

Power to make
byelaws.

22. No vessel or boat shall, without the consent of the pier-master, anchor within a distance of fifty yards, measured in any direction, from any part below low-water mark of the works by this Order authorised to be constructed.

Vessels not to
anchor within
fifty yards
without con-
sent.

23. No vessel or boat, except steamboats and pleasure boats embarking or disembarking passengers and their luggage, shall be allowed to be moored alongside the pier without the consent of the Company.

Vessels not to
be moored to
pier without
consent.

24. In the following cases; (that is to say,)

Powers to cease
in certain
events.

1. If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced; or

2. If such works, after having been commenced, should be virtually suspended for twelve consecutive calendar months,

the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works as shall be then completed, unless the time for completion be extended by the special direction of the Board of Trade.

A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purposes of this Order be conclusive evidence of the facts stated in such certificate.

Board of Trade
certificate to be
conclusive evi-
dence.

25. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within the limits affected by any such rights, interests, powers, authorities, or privileges, without the assent of the Board of Trade having been first obtained.

Saving rights
under Crown
Lands Act,
1866.

A.D. 1876.

- Aldborough.* 26. All the costs, charges, and expenses of and incident to the obtaining
Costs of Order. of this Order, and otherwise in relation thereto, shall be paid by the Company.
- Short title. 27. This Order may be cited as "The Aldborough Pier and Improvements
Order, 1876."

SCHEDULE to which the foregoing Order relates.

5

I.—RATES ON VESSELS, &C., USING THE PIER, LANDING-PLACES,
OR WORKS.

	£	s.	d.	
For every vessel under the burden of 15 tons - per register ton	0	0	4	
For every vessel of the burden of 15 tons, and under 50 tons - per register ton	0	0	6	10
For every vessel of the burden of 50 tons, and under 100 tons - per register ton	0	0	8	
For every vessel of the burden of 100 tons, and under 150 tons - per register ton	0	0	10	15
For every vessel of the burden of 150 tons and upwards, per register ton	0	1	0	
All lighters for each trip - per ton	0	0	6	
All boats, entirely open, landing or taking on board goods - each	0	0	6	

II.—RATES FOR ANIMALS, GOODS, FISH, &C., SHIPPED, OR UNSHIPPED 20
OR TRANSHIPPED AT THE PIERS OR LANDING-PLACES.

For Animals.

	£	s.	d.	
Bulls - each	0	1	0	
Calves - "	0	0	4	25
Cows and oxen - "	0	0	8	
Horses - "	0	1	0	
Pigs - "	0	0	4	
Sheep - "	0	0	4	
Lambs - "	0	0	2	30
Light goods - per cubic foot	0	0	1	
Heavy goods - per ton	0	2	0	

In charging the rates on goods the gross weight or measurement of all goods to be taken, and for any less weights, measures, and quantities than those above specified a portion of the respective rates shall be charged.

35

For Fish.

	£	s.	d.	
Herrings - per basket or pad	0	0	3	
Mackerel - per 120	0	0	2	
Pilchards - per hogshead	0	0	6	40
Turbot - per score	0	1	6	
Turtle - each	0	2	6	
Other fish - per cwt.	0	0	3	
Ditto - per basket or pad	0	0	2	

[39 VICT.] *Pier and Harbour Orders Confirmation* 7
(*Aldborough, &c.*)

III.—RATES FOR USE OF WEIGHING MACHINES. A.D. 1876.

	£	s.	d.	
For goods weighed, for each ton or part of a ton	0	0	2	<i>Aldborough.</i>

IV.—RATES ON PASSENGERS AND PROMENADERS USING THE PIER.

	£	s.	d.
5 For every passenger or other person who shall land on the pier from or embark from it on board of any ship, vessel, packet, or passage boat, for each time any sum not exceeding	0	0	6
10 For every person who shall use the pier for the purpose of walking for exercise, pleasure, or any other purpose except for embarking or disembarking, for each time any sum not exceeding	0	0	4
For every bath or sedan chair taken on the pier, for each time any sum not exceeding	0	0	6
For every perambulator taken on the pier, for each time any sum not exceeding	0	0	2
15 For every master of any vessel, boat, or wherry using the said pier for the purpose of going or returning from his own vessel, boat, or wherry, an annual sum not exceeding	1	0	0

V.—RATES ON PASSENGERS' LUGGAGE.

	£	s.	d.
20 For every trunk, portmanteau, box, parcel, or other package within the description of luggage, not exceeding 28 lbs.	0	0	2
Over 28 lbs. and not exceeding 84 lbs.	0	0	4
Over 84 lbs. and not exceeding 112 lbs.	0	0	5
25 Over 112 lbs. and not exceeding 140 lbs.	0	0	6
Over 140 lbs. and not exceeding 196 lbs.	0	0	7
Over 196 lbs. and not exceeding 2 cwt.	0	0	8
And for every cwt. beyond	0	0	4
And for every 20 lbs. weight in addition	0	0	1

30 CATTEWATER. *Cattewater.*

Order for amending "The Cattewater Harbour Order, 1874."

1. This Order shall be construed with "The Cattewater Harbour Order, 1874" (in this Order called the Order of 1874), as one Order, and may be cited as "The Cattewater Harbour Order, 1876," and the Order of 1874 and this Order may be cited together as "The Cattewater Harbour Orders, 1874 and 1876."

2. The poll or voting at annual meetings for the election of commissioners by the owners and lessees of quays, yards, storehouses, and lands having frontage on the harbour within the limits of the Order of 1874, shall commence at eleven of the clock in the forenoon of the day fixed for the election, and shall finally close at four of the clock in the afternoon of the same day, and such elections and the poll or voting, and the elections generally, shall be conducted in such manner and form as the assessor and returning officer for the time being shall decide.

Order of proceedings at annual election of commissioners by owners and lessees.

A.D. 1876.

Cattewater.

Quorum of
commis-
sioners.

Place of meet-
ings and public
offices.

Section 18 of
Order of 1874
repealed.

Power to levy
portion of
rates.

Power to Board
of Trade to
alter levy.

Power to
Board of Trade
to authorise
further levy on
part comple-
tion.

Power to
borrow addi-
tional 10,000/.

3. So much of section five of the Order of 1874 as provides that with reference to section 39 of "The Commissioners Clauses Act, 1847," the prescribed number (constituting a quorum) of the commissioners shall be three is hereby repealed, and on and after the passing of the Act confirming this Order the prescribed number (constituting a quorum) of the commissioners shall be five. 5

4. Notwithstanding anything contained in "The Commissioners Clauses Act, 1847," to the contrary, the commissioners may hold their annual, monthly, special, or any other meetings at any time or in any place (with the assent of the owner or occupier for the time being) within the borough of Plymouth, in the county of Devon, or on their lands, as they may from time to time think fit, 10 and may have their public offices within the borough of Plymouth or on their lands.

5. From and after the passing of the Act confirming this Order section 18 of the Order of 1874 shall be and is hereby repealed.

6. Immediately after the passing of the Act confirming this Order, and after 15 the appointment by the commissioners of a competent person as harbour-master for the regulation of the harbour, and so long as there shall be a competent person acting as such harbour-master, the commissioners may, notwithstanding anything in this Order or the Order of 1874 contained, demand and take any sums not exceeding the rates mentioned in Parts 2 and 4, and 20 any sums not exceeding one fourth of the rates mentioned in Parts 1 and 3 of the schedule of the Order of 1874: Provided nevertheless, that if the total amount of rates so to be taken shall in the course of any year commencing on the first day of January exceed the amount required for the payment of the harbour-master and his assistants, police, and other establishment 25 charges, it shall be lawful for the Board of Trade to reduce the said proportion of one fourth to such other proportion, and for such time and on such conditions, as they by their certificate may from time to time prescribe.

7. When and so soon as it shall be certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade, that the works 30 of the authorised pier or breakwater have been so far completed as to afford convenient shelter for ships, and when a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under the Order of 1874, or otherwise necessary to the due construction of the works authorised by that Order, have been given, the 35 commissioners may, although the whole of the authorised pier or breakwater shall not have been completed, demand and take, in addition to the proportion of one fourth mentioned in the next preceding paragraph, such further proportion as the Board of Trade may in writing direct; provided that no rates shall be demanded or taken on the landing and embarking of passengers and 40 goods until the whole of the authorised pier or breakwater shall have been completed.

8. The commissioners may from time to time borrow at interest, in addition to the sum of thirty thousand pounds authorised to be borrowed by the Order of 1874, any further sum or sums not exceeding in the whole the sum of ten 45 thousand pounds on the security of the rates, dues, and tolls authorised by the Order of 1874 and this Order.

9. Every part of the money borrowed under this Order shall be applied only for the purposes of the Order of 1874 and this Order, and in payment of the costs of and connected with and incidental to the preparation and making of this Order.

A.D. 1876.

Cattewater.
Application
of borrowed
money.

Repeal of
sect. 35 of
Order of 1874.

5 10. From and after the passing of the Act confirming this Order, section thirty-five of the Order of 1874, with respect to light to be exhibited, shall be and is hereby repealed.

10 11. Before commencing the works authorised by the Order of 1874 the commissioners shall apply to the Board of Trade for directions as to the lights to be exhibited, and shall in all respects obey any direction given upon such application, or afterwards from time to time given as to lights by the Board of Trade during the construction of the works, and compliance with directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works. If the commissioners refuse or neglect
15 to observe any direction of the Board of Trade as to lights during the construction of the works, they shall for each offence be liable to a penalty not exceeding ten pounds.

As to lights
during con-
struction of
the works.

20 12. After completion or permanent discontinuance or abandonment of the works authorised by the Order of 1874, the commissioners shall at the outer extremity of the pier and works, or the completed portion thereof, exhibit from sunset to sunrise such light or lights as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond, and shall apply to that corporation for directions as to lighting, and the commissioners shall be liable to a penalty not exceeding ten pounds for every calendar month during which
25 they omit so to apply.

As to lights
after comple-
tion of works.

13. Sections six to eleven inclusive, and twenty-five and twenty-six of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with the Order of 1874 or this Order.

Parts of Har-
bours, &c. Act
not incorpo-
rated.

30 14. Section thirty-six of the Order of 1874 shall be and is hereby repealed, and in the following cases (that is to say):—

Powers to
cease in certain
events.

(1.) If within two years from the date of the passing of the Act confirming this Order the pier or breakwater authorised by the Order of 1874 should not be substantially commenced; or

Sect. 36 of
Order of 1874
repealed.

35 (2.) If such pier or breakwater, after having been commenced, should be virtually suspended for twelve consecutive calendar months; the powers by the Order of 1874 given for executing such pier or breakwater, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such pier or breakwater as shall then be completed, unless the time for completion shall be extended by the special direction of the Board of Trade.

40 A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall for the purposes of this Order be conclusive evidence of the fact stated in such certificate.

45 15. All the costs, charges, and expenses of and incidental to the obtaining of this Order, and otherwise incurred in relation thereto, shall be paid by the commissioners.

Costs of Order.

GARDENSTOWN.

A.D. 1876. *Order for the improvement, maintenance, and regulation of the existing Harbour, and the construction, maintenance, and regulation of an addition to the Harbour at Gardenstown, in the Parish of Gamrie, and County of Banff.* 5

Undertakers.

1. Francis William Garden Campbell, of Troup and Glenlyon, and the succeeding heirs of entail in the lands and estate of Troup, in the parish of Gamrie, and county of Banff, and his or their assigns, shall be the Undertakers for carrying this Order into execution.

Limits of harbour.

2. The limits within which the Undertakers shall have authority, and which shall be deemed the limits to which this Order and the power to levy rates extend (and which are herein-after referred to as "the harbour," unless there be something in the subject or context repugnant to such construction), shall comprise the existing harbour, piers, quays, and other works, and the improvements to be made thereon, and the additional harbour, piers, quays, and other works and embankments for the reclamation of land from the sea, to be constructed under this Order at Gardenstown, in the parish of Gamrie, and county of Banff; and also so much of the shore of the Moray Firth in or adjacent to the county of Banff as lies between the line of high water-mark towards the south, and the following lines towards the north; that is to say, a straight line drawn from a point in the line of high water-mark, one hundred yards westward of the west end of the sea wall and harbour works authorised by this Order to the most western point southward and westward of the beacon of the rocks of Craigendargity, another line drawn from such most western point following along the west side of those rocks to the most northern point of those rocks, and a straight line drawn from such most northern point to the line of high water-mark on the point called "the Snook," near Powie Point, on the east of Gardenstown. 10 15 20 25

Power to construct works.

3. Subject to the provisions of this Order, and subject also to such alterations, if any, in the plan and sections deposited with reference to this Order, as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the Undertakers may, on the lands belonging to them, and in the lines and situations, and according to the levels, and within the limits of deviation shown on the deposited plan and sections, improve, make, and maintain the piers, quays, roads, sea walls, reclaimed lands, and works authorised by this Order. 30 35

Description of works.

4. The works authorised by this Order are—

1. An extension of the east pier of the existing harbour, commencing at a point thereon 113 yards or thereabouts, measuring in a north-westerly direction from the north-west corner of the curing shed belonging or reputed to belong to Thomas Kennedy, thence proceeding in a north-westerly direction, and terminating at a point on the sea-beach 100 yards or thereabouts, measuring in an easterly direction, from the beacon on the rocks of Craigendargity: 40

2. A breakwater, to be called the West Breakwater, commencing at a point on the sea-beach in the Bay of Gamrie, 15 yards or thereabouts, measuring in a westerly direction from the north-west corner of the West Pier of the existing harbour, thence proceeding in a south-westerly direction, and terminating on the seashore at a point 120 yards or thereabouts, measuring in a northerly direction, from the north-east corner of the house belonging or reputed to belong to Margaret Sutherland :

A.D. 1876.
Gardenstown.

3. A quay wall, commencing at the intended termination above described of the said West Breakwater, thence proceeding for 72 yards or thereabouts in an easterly direction, and thence in a northerly direction for 80 yards or thereabouts, and terminating by a junction with the existing West Pier at a point 16 yards or thereabouts, measuring in a north-westerly direction from the north-west corner of the curing shed belonging or reputed to belong to William Andrew :

4. A sea wall, commencing at the intended termination above described of the said West Breakwater, thence proceeding in a southerly direction for 115 yards or thereabouts, and terminating by a junction with the existing sea wall at a point 5 yards or thereabouts, measuring in a northerly direction, from the north-east corner of the house belonging or reputed to belong to the said Margaret Sutherland :

5. A sea wall, commencing at a point on the existing East Pier 38 yards or thereabouts, measuring in a northerly direction, from the north-west corner of the curing shed, belonging or reputed to belong to the said Thomas Kennedy, thence proceeding in a north-easterly direction for 326 yards or thereabouts, and terminating at a point on the seashore 260 yards or thereabouts, measuring in an easterly direction, from the north-east corner of the building called or known as Castle Grant :

6. To reclaim from the sea so much of the sea-beach as may be enclosed by the construction of the works above mentioned.

5. Subject to the provisions of this Order, the Undertakers may from time to time construct, maintain, alter, and improve the harbour locks, gates, bridges, quays, piers, jetties, wharves, sea walls, reclaimed lands, sewers, drains, roads, approaches, streets, and other works, machinery, and conveniences ; and may lay down and construct rails, tramways, sidings, and turntables on and along the quays, piers, reclaimed lands, and other works of the harbour and lands connected therewith ; and may alter, dredge, scour, deepen, widen, enlarge, improve, and maintain the entrances, channels, and waterways of the harbour.

Power to maintain and improve harbour.

6. Every person who wilfully obstructs any person acting under the authority of the Undertakers in setting out the lines of the works by this Order authorised, or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the said works, or defaces or destroys the said works, or any part thereof, shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty for obstructing works.

7. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this

Power to levy rates.

- A.D. 1876. Order, or otherwise necessary to the due construction of the works authorised by this Order, have been given, the Undertakers may, subject and according to the provisions of this Order, for the use of the harbour and works, demand and receive in respect of the vessels, boats, animals, fish, goods, and things described in the schedule to this Order any sums not exceeding the several rates specified 5
in the same schedule.
- Exemptions from payment of dues extinguished. 8. When and so soon as under this Order and the twenty fifth section of The Harbours, Docks, and Piers Clauses Act, 1847, the Undertakers shall become entitled to receive the rates specified in the schedule to this Order, all dues, tolls, rates, or duties now leviabie at or in respect of the existing harbour 10 shall cease to be levied, demanded, or received; and all exemptions from the payment of dues, tolls, rates, or duties at the existing harbour, whether arising or constituted by agreement, law, custom, usage, or otherwise, shall be extinguished.
- Board of Trade may reduce rates. 9. If at any time, and from time to time, the clear annual income derived from 15 the harbour on the average of the then three last preceding years, after payment of all expenses and outgoings other than payments of interest or principal in respect of money borrowed, shall exceed interest at the rate of ten pounds per centum per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the Undertakers in executing works 20 authorised by this Order, the Board of Trade may, if in their discretion they think fit, on application in writing from six or more of the owners of vessels or boats resorting to the harbour, and after hearing the Undertakers, reduce the rates leviabie under this Order to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten pounds per centum per annum, with 25 power to the Board of Trade at any time and from time to time to raise them again to not exceeding the amounts specified in the schedule to this Order.
- Rates for use of warehouses. 10. The Undertakers may demand and receive such rates or other consideration as they may think reasonable for the use of any warehouses, sheds, 30 buildings, weighing-machines, steam or hydraulic cranes, works, and conveniences belonging to the Undertakers, for the use of which rates are not specially fixed in the schedule to this Order.
- Undertakers may provide and license steam tugs. 11. The Undertakers may from time to time build, purchase, contract for or hire, and may maintain, use and let steam tugs or other power for the use and 35 accommodation of vessels frequenting the harbour, and may also from time to time license such number of steam tugs or other power belonging to any person, for such period and on such terms and conditions as they think fit.
- Charges for steam tugs. 12. The Undertakers may from time to time fix such rates or charges as appear to them reasonable for or in respect of the use of such steam tugs or 40 other power maintained, used and let or licensed by them, and such rates or charges shall be paid by the owner, agent, master, consignee, or other person having charge of the vessel obtaining the assistance of such steam tug or other power to the Undertakers, or to their lessee, or to the person with whom they may contract, or to the owner of such steam tug or other power if licensed 45

by the Undertakers, as the case may be; and such rates and charges shall be due and payable whether such steam tug or other power shall be actually employed or not, provided the assistance thereof shall have been required, and shall in consequence of a requisition have been tendered by the master or other person having the command of such steam tug or other power.

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13. The Undertakers may from time to time purchase, lease, provide, or hire such dredges, engines, tugs, vessels, lighters, plant or other materials as they think fit, and may from time to time demand and receive such sums for the use of the same as they think fit, or may sell or dispose of the same, and the money thereby realised shall be applied towards carrying into effect the purposes of this Order or some of them.

Undertakers may provide dredges and engines.

14. The Undertakers, within one month after sending to the sheriff clerk the copy of their annual account in abstract, shall send a copy of the same to the Board of Trade; and the sixteenth section of "The General Pier and Harbour Act, 1861, Amendment Act," shall apply to and include any and every such account. If the Undertakers refuse or neglect to comply with this provision, they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

Annual account to be sent to Board of Trade.

15. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port-charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the harbour, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Certain fishing vessels under stress of weather exempt from rates.

16. The Undertakers may from time to time lease the rates authorised by this Order for any period not exceeding ten years, and for such rent or consideration, and on such terms and conditions as they think fit; and the lessee shall have and may exercise during the continuance of his lease the same powers of levying and recovering the rates as the Undertakers have or might exercise under the Harbours, Docks, and Piers Clauses Act, 1847, and this Order, and shall be subject to all the same provisions as to accounts and otherwise to which the Undertakers are made subject by this Order.

Rates may be leased.

17. The Undertakers may make byelaws for the regulation and control of vessels and boats within the harbours, piers, and works authorised by this Order to be constructed, and for the regulation and control of the fishermen and others and goods and traffic on the quays, piers, jetties, wharves, roads, approaches, reclaimed lands, and other works authorised by this Order to be constructed; but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes.

Power to make byelaws.

18. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress, on, into, along, through and out of the harbour and works by land, and with their vessels and otherwise, without payment.

Exemption of Customs officers.

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Application of
receipts.

19. The rates received under this Order shall be applicable for the purposes and in the order following, and not otherwise :

1. In paying the costs of and incidental to the preparation and making of this Order :
2. In paying the expenses of the maintenance, repair, improvement, man- 5
agement and regulation, of the harbour and works authorised by this Order to be improved or constructed, and the execution and main-
tenance of such other works, buildings, sheds, warehouses, wharves,
jetties, works and conveniences, as may from time to time be necessary
for the improvement of the harbour or the accommodation of the 10
shipping resorting thereto, or in payment of the interest of any money
borrowed under this Order for these purposes, and in or towards
repayment of the principal of such money :
3. The surplus revenue of the harbour, if any, after providing for the
purposes aforesaid, shall be applicable to and for the proper use and 15
benefit of the Undertakers.

Power to
borrow.

20. The Undertakers may from time to time borrow and reborrow at interest such money as may be required for the purpose of this Order, not exceeding in the whole the sum of fourteen thousand five hundred pounds, on the security of the rates and dues authorised by this Order, or they may accept and take from 20
any bank or banking company credit to such amount as they deem expedient, not exceeding in the whole the said sum of fourteen thousand five hundred pounds, on a cash account to be opened and kept in the name of the Under-
takers according to the usage of bankers in Scotland, and they may assign the rates and dues hereby authorised, in security of the repayment of the sum or 25
sums so borrowed, or of the amount of such credit, or of the sums advanced from time to time on such cash account, with interest thereon respectively, by dispositions and assignations, which dispositions and assignations, and all transfers thereof, may be in the form as near as may be in the Schedule (B) to the
"Burgh Harbours (Scotland) Act, 1853," annexed, and shall be recorded in 30
the division of the General Register of Sasines at Edinburgh, applicable to the county of Banff, and have preference according to the priority of their registrations therein, except in so far as a *pari passu* preference may by the dis-
positions and assignations have been established, among all or some of them,
as being assignations of parts of one capital sum, which the Undertakers may 35
by a resolution of a specified date have determined to borrow in parts.

Money to be
applied to
purposes of
Order.Arrears of
interest, &c.
may be en-
forced by the
appointment
of a judicial
factor.

21. Every part of the money borrowed under this Order shall be applied only for the purposes authorised by this Order.

22. If within two months after the interest on any mortgages granted by the Undertakers has become due, or after the period prescribed for the payment of 40
the principal sums in such mortgages has expired, such interest or principal (as the case may be) shall not be paid, the holders of such mortgages may, without prejudice to any rights, remedies, or security otherwise competent to or held by them, require the appointment of a judicial factor, by an application to be made as herein-after provided.

23. Every application for a judicial factor under the provisions of this Order shall be made to the sheriff of Banff, Elgin, and Nairn, or his substitute for Banff. On any such application the said sheriff or his said substitute may, by order in writing, after hearing the parties, appoint some person to receive the whole or a competent part of the Harbour rates hereby authorised, until all the arrears of interest or of principal, as the case may be, then due on the outstanding mortgages, together with all costs, including the charges of receiving the said rates, be fully paid. Upon such appointment being made, all such rates as aforesaid shall be paid to and received by the person so appointed, and the money so received shall be so much money received by or to the use of the mortgagees, and so soon as the full amount of any interest or principal in arrear, and costs, has been so received, the power of such judicial factor shall cease: Provided always, that such judicial factor shall distribute among all the mortgagees to whom interest or principal shall be in arrear, the rates and other moneys which shall so come into his hands, having respect in such distribution to the priorities, if any, of such mortgagees.
24. The amount to authorise the application for the appointment of a judicial factor shall be not less than two thousand pounds in one or more mortgages.
25. Sections sixteen, seventeen, eighteen, and nineteen of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order.
26. The Undertakers shall have the appointment of meters and weighers within the limits of the harbour.
27. Within the limits of the piers, quays, and other works authorised by this Order, the Undertakers shall be a pilotage authority and local authority within the meaning of "The Merchant Shipping Act, 1854," and Acts amending the same, and shall have all the powers conferred by those Acts on pilotage authorities and on local authorities: Provided that the rates of pilotage to be demanded and taken by any pilot appointed and licensed by the Undertakers shall not exceed the rates of pilotage for the time being authorised to be levied by the Trinity House of Leith.
28. Before commencing the works authorised by this Order, the Undertakers shall apply to the Board of Trade for directions as to the lights to be exhibited, and shall in all respects obey any direction given upon such application, or afterwards from time to time given as to lights by the Board of Trade during the construction of the works, and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works. If the Undertakers refuse or neglect to observe any direction of the Board of Trade as to lights during the construction of the works, they shall for each offence be liable to a penalty not exceeding ten pounds.
29. After completion or permanent discontinuance or abandonment of the works authorised by this Order, the Undertakers shall, at the outer extremity of the harbour and works or the completed portion thereof, exhibit from sunset to sunrise such light or lights as shall from time to time be directed by the Commissioners of Northern Lighthouses, and shall apply to those Commis-

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Appointment of a judicial factor.

Amount to authorise application for judicial factor.

Portions of Harbours Clauses Act excepted.

Meters and weighers.

Undertakers to be pilotage authority.

As to lights during construction of works.

As to lights after completion of works.

A.D. 1876. sioners for directions as to lighting, and the Undertakers shall be liable to a
 Gardenstown. penalty not exceeding ten pounds for every calendar month during which they
 omit so to apply.

Powers to
 cease in certain
 events.

30. In the following cases (that is to say),—

1. If within two years from the date of the passing [of the 'Act con- 5
 firming this Order the works authorised by this Order should not be
 substantially commenced; or

2. If such works, after having been commenced, should be virtually
 suspended for twelve consecutive calendar months;

the powers by this Order given for executing such works, or otherwise in 10
 relation thereto, shall cease to be exercised, except as to so much of such works
 as shall be then completed, unless the time for completion shall be extended by
 the special direction of the Board of Trade.

A certificate from the Board of Trade to the effect that the works have not
 been substantially commenced, or that they have been virtually suspended for 15
 twelve consecutive calendar months, shall, for the purposes of this Order, be
 conclusive evidence of the fact stated in such certificate.

Saving of
 rights under
 "Crown Lands
 Act, 1866."

31. This Order shall not be taken as a consent to the surrender of any
 rights, interests, powers, authorities, or privileges transferred to the manage-
 ment of the Board of Trade by "The Crown Lands Act, 1866," nor shall any 20
 works under this Order be commenced within limits affected by any such rights,
 interests, powers, authorities, or privileges without the assent of the Board of
 Trade having been first obtained.

Costs of Order.

32. All costs, charges, and expenses of and incident to the preparation and
 obtaining of this Order, or otherwise incurred in reference thereto, shall be 25
 paid by the Undertakers.

Short title.

33. The Order may be cited as "The Gardenstown Harbour Order, 1876."

SCHEDULE in the foregoing Order referred to.

I.—TONNAGE DUTIES.

	s. d.	30
For all vessels whatever entering the harbour to load or unload,		
per register ton	0	4
For all vessels windbound or otherwise, and not loading or unloading,		
per register ton	0	2

II.—RATES FOR PASSENGERS.

	s. d.	35
For every passenger disembarking from any vessel entering the harbour	0	2

III.—DUTIES FOR BOATS, EXCLUSIVE OF THEIR CARGOS.

Every open boat engaged in the herring fishery at the port, in full of tonnage duty for the period of the fishing season, payable in advance	25	0
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s. d. A.D. 1876.
Gardenstown.

Every open boat loading or discharging herrings, not engaged at the port as above, shall on each occasion of entering the harbour pay

	each	2	6
5 And when windbound	each	1	3
Other boats loading or discharging	each	2	6
Other boats windbound	each	1	6
Other boats when above 15 tons register to be charged according to tonnage dues for vessels as above.			
10 Each white-fishing boat, for season commencing 1st October, and payable annually in advance:—			
If manned by not less than four hands		15	0
If manned by less than four hands		7	6

IV.—RATES ON ARTICLES OF IMPORT AND EXPORT BY BOATS OR VESSELS.

15	Ale and beer of all kinds	per 50 gallons	1	0
	Ashes, all kinds	per ton	1	0
	Bacon or hams	per cwt.	0	3
	Ballast	per ton	0	6
20	Bark	per ton	2	0
	Barley (<i>see</i> Corn):—			
	Shelled or pearl ditto	per cwt.	0	2
	Beef or Pork	per barrel bulk	0	3
	Bones of Cattle	per ton	1	0
25	Bone dust	per ton of 40 bushels	1	0
	Bottles of green or common glass not less than pints	per gross	0	4
	Bottles, broken	per ton	0	6
	Bran	per quarter	0	2
	Bricks	per 1,000	1	0
30	Butter	per cwt.	0	3
	Candles	per cwt.	0	2
	Carrots	per ton	0	6
	Casks, empty, not being returned packages	per puncheon	0	6
	Other casks in proportion.			
35	Cattle, viz.:—Bulls, cows, and oxen	each	1	0
	Calves	each	0	6
	Horses	each	2	0
	Pigs	each	0	6
	Sheep	each	0	3
40	Lambs	each	0	2
	Cheese	per cwt.	0	2
	Cordage	per ton	3	0
	Corks	per barrel bulk	0	4
	Corn, viz.:—Barley, beans, Indian corn, malt, oats, peas, rye, and			
45	wheat	per quarter	0	3
	Coals	per ton	1	0

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		s.	d.
Cinders and charcoal	per ton	0	6
Earthenware	per barrel bulk	0	4
Eggs	per barrel bulk	0	4
Flax	per cwt.	0	2 5
Flour	per sack	0	4
Fish :—			
Herrings	per barrel	0	4
Salmon	per ton	3	4
Salted dry fish	per boat	5	0 10
Salted dry fish	per ton	1	0
Fruit of all kinds	per bushel	0	3
Game	per score of all kinds	3	0
Groceries, viz. :—Tea, coffee, sugar, confections dried fruits, molasses, spices, rice, soap, tobacco, snuff, &c.			
	per cwt.	0	4 15
Hay	per ton	2	0
Hemp, rough	per ton	3	0
Hides	per cwt.	0	4
Hoops :—			
Hoops of wood, all of the size of puncheon hoops, and under, per 1,200		0	9 20
All above	per 1,200	1	0
Iron	per cwt.	0	2
Household furniture	per barrel bulk	0	4
Husbandry utensils	per barrel bulk	0	4 25
Iron, viz. :—Bar, bolt, and rod ; plate, sheet, and forged ; Iron grates, stoves, and other ironmongery and rails			
	per cwt.	0	2
Hoop, <i>see</i> hoops.			
Old iron	per cwt.	0	1
Old or broken cast-iron	per cwt.	0	0½ 30
Kelp	per cwt.	0	1
Lead	per cwt.	0	2
Leather, tanned and dressed	per cwt.	0	6
Lime	per boll	0	1
Manures, including guano, &c.	per ton	1	0 35
Meal	per boll	0	2
Oil	per ton	3	0
Oil cake	per ton	3	0
Potatoes	per ton	0	6
Peats	per 500	0	1 40
Poultry	each	0	1
Salt	per ton of 40 bushels	1	0
Seed, viz. :			
Flax and rape	per hogshhead	0	9
Flax and rape	per barrel	0	4½ 45
Clover	per bag of 3 cwt.	0	6
Garden seeds	per barrel bulk	0	6

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		£	s.	d.	
	Hemp and canary	-	-	-	per barrel bulk 0 3
	Rye grass	-	-	-	per quarter 0 3
	Slates, viz. :—				
5	Under size	-	-	-	per 1,000 1 0
	Sizeable	-	-	-	per 1,000 2 0
	Oversize	-	-	-	per 1,000 3 0
	Stones, viz. :—				
	Rubble	-	-	-	per ton 0 2
10	Hewn ashlar	-	-	-	per ton 0 9
	Rough ashlar	-	-	-	per ton 0 6
	Large stones	-	-	-	per ton 0 6
	Causeway stones, dressed	-	-	-	per ton 0 3
	Pavement	-	-	-	per ton 0 6
15	Curb	-	-	-	per ton 0 6
	Gravestones	-	-	-	each 3 0
	Scythe stones	-	-	-	per score 0 0½
	Grindstones	-	-	-	each 0 6
	Millstones	-	-	-	each 3 0
20	Spirits	-	-	-	per 50 gallons 0 9
	Tallow	-	-	-	per cwt. 0 2
	Tar	-	-	-	per barrel 0 4
	Tares	-	-	-	per quarter 0 2
	Tow	-	-	-	per cwt. 0 2
25	Tiles	-	-	-	per 1,000 1 0
	Turnips	-	-	-	per ton 0 6
	Wood, of all kinds	-	-	-	per 1/ value 0 6
	Wool	-	-	-	per cwt. 0 6
30	All goods having paid shore dues outwards are exempted from dues when brought inwards, if they be returned goods to the original shipper and in the original state.				
	All returned empty boxes, barrels, bags, sacks, and pack sheets, are exempted from dues.				
35	All goods not enumerated in the above schedule to be charged in proportion to other goods of similar bulk and value specified in the above schedule.				
	Five cubic feet, not exceeding two and a half hundredweight, to be rated a barrel bulk; but when the weight of five cubic feet is greater than two and a half hundredweight, then two and a half hundredweight to be rated a barrel bulk.				
40	In weighing and measuring goods, for ascertaining the shore dues payable, the weight or measurement of the packages is to be included.				

A.D. 1876.

LLANDUDNO.

Llandudno.

*Order for the Construction, Maintenance, and Regulation of a Pier,
Landing Stage, and Works at Llandudno, in the County of
Carnarvon.*

- | | |
|-----------------------------------|---|
| Undertakers. | 1. The Llandudno Pier Company, Limited, herein-after called the Company, shall be the Undertakers of the works authorised by this Order. 5 |
| Lands Clauses Acts incorporated. | 2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869" (except so much thereof as relates to the purchase and taking of lands otherwise than by agreement), shall be incorporated with this Order. |
| Power to take lands by agreement. | 3. For the purposes of the works authorised by this Order, the Company from time to time may, by agreement, enter upon and take and may use all or any part of the lands shown on the plans deposited for the purpose of this Order. 10 |
| Power to purchase existing pier. | 4. Within one calendar month from the passing of the Act confirming this Order, and prior to the commencement of any of the works authorised by this Order, the Company shall purchase from the London and North-western Railway Company, and the London and North-western Railway Company shall sell and convey to the Company, the existing pier or works at Llandudno, as shown on the deposited plans, and all the tolls, rates, and duties payable in respect thereof, and all the estate, interest, rights, and powers of the said railway company in relation thereto, connected therewith, or incidental thereto, or in or over the approach road to the pier, as shown on the deposited plans, at the price of 1,250 <i>l.</i> , being a price agreed upon between the Company and the railway company, which sum shall be paid by the Company to the railway company accordingly; and upon the conveyance to the Company being executed they shall thenceforth have and exercise all the rights, duties, privileges, and powers, and shall be subject to all the liabilities of the railway company in respect of the premises by this Order directed to be conveyed to the Company. 15 20 25 |
| Power to execute works. | 5. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans as the Board of Trade require from time to time, before the completion of the works, in order to prevent injury to navigation, the Company may, on the lands taken by them under this Order, and in the lines and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon), and within the limits of deviation shown on those plans, make and maintain the works authorised by this Order. 30 35 |
| Description of works authorised. | 6. The works authorised by this Order comprise the following:—
A promenade, pier, and landing-stage, with the proper works, approaches, and conveniences connected therewith for the embarking and landing of passengers, goods, and merchandise at Llandudno, in the county of Carnarvon, commencing at a point on the approach road to the present 40 |

landing-stage belonging to the London and North-western Railway Company, midway between the shore end of the said stage and the public baths, and extending seaward in a north-easterly direction a distance of 400 yards or thereabouts : A.D. 1876.
Llandudno.

- 5 All such sea walls, roads, approaches, landing-stages, tramways, toll-houses, seats, waiting, refreshment, and other rooms, and other works connected with the said pier, for the convenient loading and unloading of vessels, and for embarking and landing of passengers, merchandise, and goods as shall be deemed necessary.
- 10 7. Every person who wilfully obstructs any person acting under the authority of the Company in setting out the lines of the works by this Order authorised, or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the said works, or defaces or destroys the said works, or any part thereof, shall be guilty of an offence, and shall for
15 every such offence be liable to a penalty not exceeding 5*l*.
8. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary to the due construction of the works authorised by this Order have been given, the Company may, subject and according to the
20 provisions of this Order, for the use of the pier, landing-stage, and works and conveniences connected therewith, demand and take in respect of the vessels, boats, goods, animals, fish, persons, and things described in the schedule to this Order, any sums not exceeding the rates in that schedule mentioned.
9. The Company may from time to time erect upon or near the pier or landing-
25 stage, or the approaches thereto, tramways, toll-houses, shops, saloons, bazaars, and reading, waiting, refreshment, and other rooms, and may mortgage, sell, or lease their undertaking and works, or any part or parts thereof, or the tolls, rates, duties, and other charges authorised to be taken by this Order, upon such terms (pecuniary or otherwise) and under such restrictions and conditions
30 as they think fit ; and a mortgagee in possession, purchaser, or lessee shall have and may exercise all the same powers of levying and recovering tolls, rates, and dues, and all such other rights and powers as the Company have or might exercise under this Order, and shall be subject to the same provisions as to accounts and otherwise as the Company are subject to under this Order.
10. If at any time it appear to the Board of Trade that the clear annual
35 income derived from the pier and works on the average of the then last three preceding years, after payment of all expenses and outgoings other than payments of interest or principal in respect of money borrowed, shall exceed interest at the rate of 10*l*. per centum per annum on the entire sum from time to time
40 appearing to the Board of Trade to have been expended by the Company in executing works authorised by this Order, the Board of Trade may, if in their discretion they think fit, reduce the rates leviable under this Order to such amounts as will be sufficient to provide the aforesaid interest at the rate of 10*l*. per centum per annum, and the rates shall thereupon be reduced accordingly ;
45 but with power to the Board of Trade at any time, and from time to time, to

Penalty for obstructing works.

Power to take rates in schedule.

Further powers as to works and to sell or lease undertaking.

Board of Trade may reduce rates.

A.D. 1876. raise them again to sums not exceeding the amounts specified in the schedule to this Order.

Llandudno.

Annual
account to be
sent to the
Board of
Trade.

11. The Company, within one month after sending to the clerk of the peace the copy of their annual account in abstract, shall send a copy of the same to the Board of Trade; and the 16th section of the General Pier and Harbour Act, 1861, Amendment Act shall apply to and include any and every such account. If the Company refuse or neglect to comply with this provision they shall for every such refusal or neglect be liable to a penalty not exceeding 20*l*. 5

Certain fishing
vessels under
stress of wea-
ther exempt
from rates.

12. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in ports or on the coasts of the United Kingdom shall, when forced by stress of weather to make use of the pier and works authorised by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order. 10

Pass tickets for
use of pier.

13. The Company may grant to passengers, promenaders, and others pass tickets for the use of the pier and works, at such rates, on such terms, and for such periods, not exceeding one year, as may be agreed upon; but so that no preference be given to any person. A pass-ticket shall not be transferable, nor used by any person other than the person to or for whom it is granted, nor by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses or attempts to use any false or counterfeit pass ticket, he shall for every such offence be liable to a penalty not exceeding 20*s*., to be recovered and applied as penalties are recoverable and applicable under "The Harbours, Docks, and Piers Clauses Act, 1847," for all the purposes of which Act this Order shall be deemed the special Act. 15 20 25

Powers to vary
exemptions
from rates, and
to enter into
compositions,
&c.

14. The Company may confer, vary, or extinguish from time to time exemptions from and enter into composition with any person or persons with respect to the payment of tolls, rates, or duties authorised by this Order, and may confer, vary, or extinguish by agreement all other rights and privileges in such manner as they may deem necessary for their Undertaking, but so that no preference be in any case given to any person, and that anything done under this section shall not prejudice the other provisions of this Order. 30

Exemption of
Custom House
officers from
rates.

15. Officers of Customs being in the execution of their duty shall at all times have free ingress, passage, and egress from, to, over, and along the pier and works by land and with their vessels, without payment. 35

Land for
extraordinary
purposes.

16. The Company shall not purchase for extraordinary purposes (within the meaning of the Harbours, Docks, and Piers Clauses Act, 1847,) lands exceeding in the whole five acres.

Steam engines
cranes, moor-
ing posts, &c.

17. The Company may provide and use such steam engines, piling engines, cranes, buoys, mooring posts, mooring craft, weighing machines, tackle, and other machinery, vessels, apparatus, and conveniences, as they think proper or carrying on the business of the Company, or for any of the purposes of this Order, and may demand and take such sums for the use thereof as they think easonable. 40

18. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at any pier, jetty, or landing-place authorised by this Order any sheep, cattle, or merchandise, or to ship or unship there anything which, in the judgment of the Company, might in any way interfere with the use of the piers, jetties, or passengers landing-places for recreation, or for embarking or landing of passengers, except at the places provided for the purpose of landing or shipping of cattle, merchandise, and other like things. A.D. 1876.
Llandudno.
Restriction and
use of pier.
19. The pier and works shall, in respect of all matters, crimes, or offences arising or committed thereon or within the limits of this Order requiring the cognizance of any justice of the peace, be deemed and taken to be within or as forming part of the parish of Llandudno, and within the jurisdiction of the justices acting within and for that parish; and for the purposes of rating, to be within the district of the Llandudno Improvement Commissioners. Pier to be
deemed within
the parish of
Llandudno.
20. Before commencing the works authorised by this Order the Company shall apply to the Board of Trade for directions as to the lights to be exhibited, and shall in all respects obey any direction given upon such application or afterwards from time to time given as to lights by the Board of Trade during the construction of the works; and compliance with directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works. If the Company refuse or neglect to observe any direction of the Board of Trade as to lights during the construction of the works, they shall for each offence be liable to a penalty not exceeding 10*l.* As to lights
during the
construction of
works.
21. After completion or permanent discontinuance or abandonment of the works authorised by this Order the Company shall, at the outer extremity of the pier and works, or the completed portions thereof, exhibit from sunset to sunrise such light or lights as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond, and shall apply to that corporation for directions as to lighting; and the Company shall be liable to a penalty not exceeding 10*l.* for every calendar month during which they omit so to apply. As to lights
after comple-
tion of works.
22. Sections 16 to 19 inclusive of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order. Parts of Har-
bours, &c. Act
excepted.
23. The Company shall have the appointment of meters and weighers on or in connexion with the pier and works. Meters and
weighers.
24. The Company may make byelaws for the regulation and control of the fishermen and others, and goods and traffic on the pier and works authorised by this Order; but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes. Power to make
byelaws.
25. In the following cases; (that is to say,) Powers of
Order to cease
in certain
cases.
1. If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced; or

- A.D. 1876. 2. If such works after having been commenced should be virtually suspended
for twelve consecutive calendar months,
Llandudno. the powers by this Order given for executing such works, or otherwise in relation
thereto, shall cease to be exercised, except as to so much of such works as shall
be then completed, unless the time for completion be extended by the special 5
direction of the Board of Trade.
- A certificate from the Board of Trade to the effect that the works have not
been substantially commenced, or that they have been virtually suspended for
twelve consecutive calendar months, shall for the purposes of this Order be
conclusive evidence of the facts stated in such certificate. 10
- Saving rights under Crown Lands Act, 1866.* 26. This Order shall not be taken as a consent to the surrender of any
rights, interests, powers, authorities, or privileges transferred to the management
of the Board of Trade by "The Crown Lands Act, 1866," nor shall any
works under this Order be commenced within the limits affected by any such
rights, interests, powers, authorities, or privileges, without the assent of the 15
Board of Trade having been first obtained.
- Saving rights of Improvement Commissioners of Llandudno.* 27. This Order shall not be taken to prejudice, take away, or affect such
legal rights (if any) as the Improvement Commissioners of Llandudno may
have within the limits of the pier and works authorised by this Order.
- Costs of Order.* 28. All the costs, charges, and expenses of and incidental to the obtaining 20
of this Order, or otherwise in relation thereto, shall be paid by the Company.
- Short title.* 29. This Order may be cited as "The Llandudno Pier Order, 1876."

SCHEDULE to which the foregoing Order refers.

I.—RATES ON PASSENGERS AND PROMENADERS USING THE PIER.

	£	s.	d.	25
For every passenger or other person landing on the pier from, or embarking from it on board of any ship, vessel, packet, or passage boat, for each time any sum not exceeding - - - - -	0	0	6	
For every person using the pier for the purpose of walking for exercise, pleasure, or any other purpose except for embarking or disembarking, for each time any sum not exceeding - - - - -	0	0	4	30
For every bath or sedan chair taken on the pier, for each time any sum not exceeding - - - - -	0	0	6	
For every perambulator taken on the pier, for each time any sum not exceeding - - - - -	0	0	2	53
For every master of any vessel, boat, or wherry using the pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding - - - - -	1	0	0	

II.—RATES ON PASSENGERS LUGGAGE LANDED OR SHIPPED.

A.D. 1876.

£ s. d.

Llandudno.

For every trunk, portmanteau, box, parcel, or other package within the description of luggage, and not borne by the passenger, not

5	exceeding 28 lbs.	-	-	-	-	0	0	2
	Over 28 lbs. and not exceeding 84 lbs.	-	-	-	-	0	0	4
	„ 84 lbs.	„	112 lbs.	-	-	0	0	5
	„ 112 lbs.	„	140 lbs.	-	-	0	0	6
	„ 140 lbs.	„	196 lbs.	-	-	0	0	7
10	„ 196 lbs.	„	2 cwt.	-	-	0	0	8
	And for every 20 lbs. weight in addition	-	-	-	-	0	0	1

III.—RATES ON VESSELS USING THE PIER.

	For every vessel under the burden of 15 tons, per registered ton	-	0	0	4
15	For every vessel of } the burden of	15 tons and under 50 tons, per registered ton	0	0	6
	„ „ 50 „ 100 „	„	0	0	8
	„ „ 100 „ 150 „	„	0	0	10
	„ „ 150 tons and upwards	„	0	1	0
	All lighters, for each trip	-	-	-	per ton 0 0 2
20	All boats entirely open, landing or taking on board goods	-	-	-	each 0 0 6

IV.—RATES ON GOODS SHIPPED OR UNSHIPED AT THE PIER.

	Ale, beer, and porter	-	-	-	-	per hogshead	0	0	6
	Ale, bottled	-	-	-	-	per barrel	0	0	4
	Ale, bottled	-	-	-	-	per dozen bottles	0	0	1
25	Anchors	-	-	-	-	per cwt.	0	0	9
	Anchor stock	-	-	-	-	per foot run	0	0	2
	Bark	-	-	-	-	per ton	0	2	0
	Bedding	-	-	-	-	per bundle	0	0	3
	Beef or pork	-	-	-	-	per cwt.	0	0	3
30	„	-	-	-	-	per barrel	0	0	6
	Biscuits or bread	-	-	-	-	per cwt.	0	0	3
	Blubber	-	-	-	-	per ton of 252 gallons	0	3	0
	Bones and bone dust	-	-	-	-	per ton	0	1	6
	Bottles	-	-	-	-	per gross	0	0	9
35	Bricks	-	-	-	-	per 1,000	0	1	6
	Butter and lard	-	-	-	-	per barrel	0	0	6
	„	-	-	-	-	per firkin	0	0	3
	Cables, iron or hempen	-	-	-	-	per ton	0	3	0
	Canvas	-	-	-	-	per bolt	0	0	1
40	Carriages :								
	Chaises, and other 4-wheeled carriages	-	-	-	-	each	0	7	6
	Gigs, carts, and other 2-wheeled carriages	-	-	-	-	„	0	5	0
	Hand carts and perambulators	-	-	-	-	„	0	1	0
	Casks (empty), not being returned packages	-	-	-	-	per puncheon	0	0	3
45	Other casks in proportion.	-	-	-	-				

A.D. 1876. Cattle :		£	s.	d.	
Llandudno.	Bulls, cows, and oxen -	-	-	-	each 0 3 0
	Calves -	-	-	-	" 0 1 0
	Horses -	-	-	-	" 0 4 0
	Pigs -	-	-	-	" 0 0 6 5
	Sheep -	-	-	-	" 0 0 6
	Chalk -	-	-	-	per ton 0 1 0
	Cheese -	-	-	-	per cwt. 0 0 4
	Chimney pots -	-	-	-	each 0 0 3
	Clay -	-	-	-	per ton 0 1 0 10
	Cloth, haberdashery, &c. -	-	-	-	per package not exceeding 1 cwt. 0 0 6
	Coals -	-	-	-	per ton 0 1 0
	Copper -	-	-	-	" 0 3 0
	Cordage -	-	-	-	per cwt. 0 0 3
	Corks -	-	-	-	" 0 0 6 15
	Crystal -	-	-	-	per box or package 0 0 6
	Dogs -	-	-	-	each 0 0 6
	Drugs (in casks, hampers, or boxes) -	-	-	-	per foot 0 0 2
	Earthenware (in crates) -	-	-	-	" 0 0 1
	Eggs -	-	-	-	per box 0 2 0 20
	Fish (dried and salted) -	-	-	-	per cwt. 0 0 3
	„ (fresh) not enumerated -	-	-	-	" 0 0 2
	Flax -	-	-	-	per ton 0 2 0
	Flour and meal -	-	-	-	per sack 0 0 4
„ „ -	-	-	-	per barrel 0 0 3 25	
Furniture (household) -	-	-	-	per 5 cubic feet 0 0 4	
Fruit -	-	-	-	per bushel or sieve 0 0 4	
Glass -	-	-	-	per large crate 0 1 6	
„ -	-	-	-	per small crate or case 0 1 0	
„ -	-	-	-	per box 0 0 6 30	
Grains and seeds -	-	-	-	per quarter 0 0 6	
Groceries not enumerated -	-	-	-	per cwt. 0 0 6	
Guano -	-	-	-	per ton 0 1 6	
Gunpowder -	-	-	-	per barrel or keg 0 0 6	
Ham, bacon, or tongues -	-	-	-	per cwt. 0 0 4 35	
Hardware -	-	-	-	per ton 0 2 6	
Hares and rabbits -	-	-	-	per dozen 0 0 4	
Hay -	-	-	-	per ton 0 1 6	
„ -	-	-	-	per truss 0 0 2	
Hemp -	-	-	-	per ton 0 2 0 40	
Herrings (fresh) -	-	-	-	per 1,000 0 0 3	
„ (cured) -	-	-	-	per barrel 0 0 3	
Hides :—					
Ox, cow, or horse (wet or dry) -	-	-	-	each 0 0 2	
Iron :					
Bar, bolt, rod, and shots -	-	-	-	per ton 0 1 6 45	
Pig and old -	-	-	-	„ 0 1 0	
Manufactured -	-	-	-	„ 0 2 6	
Pots -	-	-	-	each 0 0 1	

		£	s.	d.	A.D. 1876.
	Kelp - - - - -	per ton	0	2	0
	Lead - - - - -	- - - - -	0	2	6
	Leather (tanned and dressed) - - - - -	per cwt.	0	0	4
5	Lime - - - - -	per 28 bushels	0	1	4
	Limestone - - - - -	per ton	0	1	0
	Machinery - - - - -	- - - - -	0	2	6
	Manure (not enumerated) - - - - -	- - - - -	0	1	0
	Masts and spars, 10 inches in diameter and upward	- each	0	4	6
10	„ „ under 10 inches - - - - -	- „	0	3	0
	Meat (fresh) - - - - -	per cwt.	0	0	6
	Milk - - - - -	per gall.	0	0	0½
	Musical instruments - - - - -	per cubic foot	0	0	1
	Nets - - - - -	per 5 cubic feet	0	0	4
15	Oakum - - - - -	per cwt.	0	0	2
	Oils - - - - -	per ton	0	2	0
	Oil cake - - - - -	- „	0	2	0
	Oranges and lemons - - - - -	per box	0	0	6
	Ores - - - - -	per ton	0	1	0
20	Oysters - - - - -	per bushel	0	0	3
	Paint - - - - -	per cwt.	0	0	4
	Pitch and tar - - - - -	per barrel	0	0	6
	Potatoes - - - - -	per cwt.	0	0	2
	Poultry and game - - - - -	per doz.	0	0	4
25	Rags and old rope - - - - -	per ton	0	2	0
	Sails - - - - -	per cwt.	0	0	6
	Salt - - - - -	per cwt.	0	0	1
	Sand - - - - -	per ton	0	1	0
	Shrimp baskets - - - - -	- each	0	0	2
30	Skins :				
	Calf, goat, sheep, lamb, or dog - - - - -	per doz.	0	0	6
	Slates - - - - -	per doz. of 24 cubic feet	0	2	0
	Spirits - - - - -	per hogshead	0	1	0
	„ - - - - -	per gall.	0	0	1
35	Stones - - - - -	per ton of 16 cubic feet	0	1	6
	Steel - - - - -	per ton	0	3	0
	Sugar - - - - -	per cwt.	0	0	3
	Tallow, soap, and candles - - - - -	- „	0	0	3
	Tea - - - - -	per chest	0	1	0
40	Tiles - - - - -	per thousand	0	1	6
	Tin and zinc - - - - -	per ton	0	3	0
	Tobacco - - - - -	per cwt.	0	0	3
	Turbot - - - - -	per score	0	0	3
	Turnips - - - - -	per ton	0	0	6
45	Turpentine and varnish - - - - -	per barrel	0	0	6
	Turtle - - - - -	- each	0	2	6
	Vegetables (not enumerated) - - - - -	per cwt.	0	0	4
	Vinegar - - - - -	per hogshead	0	0	6

A.D. 1876.		£	s.	d.	
<i>Llandudno.</i>	Vitriol - - - - -	per carboy	0	0	1
	Water - - - - -	per cask	0	0	3
	Wine - - - - -	per hogshead	0	1	0
	„ (bottled) - - - - -	per dozen bottles	0	0	2 5
Wood :					
	Fir, pine, and other descriptions (not enumerated), per load of 50 feet		0	1	6
	Oak or wainscot - - - - -	„	0	2	0
	Firewood - - - - -	per 216 cubic feet fathom	0	1	6
Wood :					
	Laths and lathwood - - - - -	per fathom of 216 cubic feet	0	2	6 10
	Handspikes - - - - -	per 120 „	0	3	0
	Oars - - - - -	„ „	0	5	0
Spars under 22 feet in length, above 2½ inches and under					
	4 inches in diameter - - - - -	„ „	0	4	0 15
	„ 2½ „ „ and under - - - - -	„ „	0	5	0
	„ 22 feet in length and upwards, and not exceeding				
	4 inches in diameter - - - - -	„ „	0	9	0
	„ above 4 and under 6 inches in diameter - - - - -	„ „	0	14	0
	Spokes of wheels not exceeding 2 feet in length - - - - -	„ „	0	2	0 20
	„ exceeding 2 feet in length - - - - -	„ „	0	3	0
	„ treenails - - - - -	per 1,000	0	2	6
	„ wedges - - - - -	„ „	0	2	6
	Pipe staves, and others in proportion - - - - -	per 120	0	2	6
	Lignum vitæ, fustic, logwood, mahogany, and rosewood	per ton	0	2	0 25
	Wool - - - - -	per cwt.	0	0	4
	Yarn - - - - -	„	0	0	2

ALL OTHER GOODS NOT PARTICULARLY ENUMERATED ABOVE.

Light goods - - - - -	per cubic foot	0	0	1
Heavy goods - - - - -	per ton	0	2	0 30
In charging the rates on goods, the gross weight or measurement on all goods to be taken, and for any less weights, measures, and quantities than those above specified, a proportion of the respective rates shall be charged.				

V.—RATES FOR LAYING WATER MAIN ON PIER. 35

Water - - - - -	per ton	0	0	6
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VI.—RATES FOR THE USE OF READING AND CONCERT ROOMS.

For each and every person who shall use the reading or concert rooms, for each and every time any sum not exceeding - - - - -				
		0	0	6

**Pier and Harbour
Orders Confirmation
(Aldborough, &c.)**

A

B I L L

For confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Aldborough, Cattewater, Gardenstown, and Llanudno.

(*Prepared and brought in by
Sir Charles Adderley and Mr. Edward Stanhope.*)

*Ordered, by The House of Commons, to be Printed,
24 April 1876.*

[Bill 131.]

Under 5 oz.

A

B I L L

TO

Continue for one year the Police (Expenses) Act, 1875.

WHEREAS by the Police (Expenses) Act, 1875, it is enacted 38 & 39 Vict. c. 48.
that so much of any Act as limits the amount authorised to be
contributed by the Commissioners of Her Majesty's Treasury out of
moneys provided by Parliament towards the expenses of any police
5 force in Great Britain to a particular amount, or a particular pro-
portion of any annual sum or charge specified in such Act, shall,
during the continuance of that Act, be repealed, and it is further
enacted that that Act shall continue in force until the first day of
September one thousand eight hundred and seventy-six :

10 And whereas it is expedient that the said Act should be con-
tinued for a period of one year :

Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled, and
15 by the authority of the same, as follows ; (that is to say,)

1. This Act may be cited as The Police (Expenses) Continuance Short title.
Act, 1876.

2. The Police (Expenses) Act, 1875, shall continue in force till Continuance
of Act for
one year.
the *first day of September one thousand eight hundred and seventy-*
20 *seven.*

Police (Expenses) Act Continuance.

A

B I L L

To continue for one year the Police
(Expenses) Act, 1875.

*(Prepared and brought in by
Mr. William Henry Smith and
Mr. Secretary Cross.)*

*Ordered, by The House of Commons, to be Printed,
24 July 1876.*

[Bill 268

Under 1 oz.

Pollution of Rivers Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title of Act.
2. Extent of Act.

PART I.

LAW AS TO SOLID MATTERS.

3. Prohibition as to putting solid matters into streams.

PART II.

LAW AS TO SEWAGE POLLUTIONS.

4. Prohibition as to drainage into streams of sewers.

PART III.

LAW AS TO MANUFACTURING AND MINING POLLUTIONS.

5. Prohibition as to drainage into streams from manufactories.
6. Prohibition as to drainage into stream from mines.
7. Restriction on proceedings under this part of the Act.

PART IV.

ADMINISTRATION OF LAW.

8. Sanitary authority to afford facilities for factories draining into sewers.
9. Power of sanitary authority to enforce Act.
10. Constitution and expenses of conservancy authority.
11. Local Government Board may authorise sanitary authorities to make byelaws for protection of streams.

[Bill 186.]

LEGAL PROCEEDINGS. SAVING CLAUSES. DEFINITIONS.

(1.) *Legal Proceedings.*

Clauses.

12. Offences to be restrained by summary order of county court.
13. Appeal from county court, and removal of case into High Court of Justice.
14. Certificate of inspector of Local Government Board as to best practicable means.
15. Restriction on proceedings for offences.

(2.) *Saving Clauses.*

16. Powers of Act cumulative.
17. Saving of certain Conservancy Acts.

(3.) *Definitions.*

18. Definitions.

PART V.

APPLICATION OF THE ACT TO SCOTLAND.

19. Modifications of Act to Scotland.
-

A
B I L L

FOR

Making further Provision for the Prevention of the Pollution of Rivers. A.D. 1876.

WHEREAS it is expedient to make further provision for the prevention of the pollution of rivers, and in particular to prevent the establishment of new sources of pollution :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as the Rivers Pollution Prevention Act, 1876. Short title
of Act.

2. This Act shall not extend to Ireland. Extent of
Act.

PART I.

LAW AS TO SOLID MATTERS.

3. Every person who puts or causes to be put or to fall or knowingly permits to be put or to fall or to be carried into any stream, so as either singly or in combination with other similar acts of the same or any other person to interfere with its due flow, or to pollute its waters, the solid refuse of any manufactory, manufacturing process, quarry, or mine, or any rubbish or cinders, or any other waste or putrid solid matter, shall be deemed to have committed an offence against this Act : Prohibition
as to putting
solid matters
into streams.

In proving interference with the due flow of any stream, or in proving the pollution of any stream, evidence may be given of repeated acts which may be held together to cause such interference or pollution, although each act taken by itself may not be sufficient for that purpose.

This section shall not apply to or affect the lawful exercise of any rights of impounding or diverting water.

[Bill 186.]

A

A.D. 1876.

PART II.

LAW AS TO SEWAGE POLLUTIONS.

Prohibition
as to drain-
age into
streams of
sewers.

4. Every person who causes to fall or flow or knowingly permits to fall or flow or to be carried into any stream any solid or liquid sewage matter, shall (subject as in this Act mentioned) be deemed 5 to have committed an offence against this Act.

Where any sewage matter falls or flows or is carried into any stream along a channel used or in process of construction at the date of the passing of this Act for the purpose of conveying such sewage matter, the person causing or knowingly permitting the 10 sewage matter so to fall or flow or to be carried shall not be deemed to have committed an offence against this Act if he shows to the satisfaction of the court having cognisance of the case that he is using the best practicable and available means to render harmless the sewage matter so falling or flowing or carried into the stream. 15

Where the Local Government Board are satisfied that further time ought to be granted to any sanitary authority, which at the date of the passing of this Act is discharging sewage matter into any stream by any such channel as aforesaid, for the purpose of enabling such authority to adopt the best practicable and available 20 means for rendering harmless such sewage matter, the Local Government Board may by order declare that this section shall not, so far as regards the discharge of sewage matter by such channel be in operation within the district of such authority until the expiration of a period to be limited in the order. 25

Any order made under this section may be from time to time renewed by the Local Government Board, subject to such conditions, if any, as they may see fit.

A person shall not be guilty of an offence under this section in respect of the passing of sewage into a stream along a channel over 30 which he has no control.

PART III.

LAW AS TO MANUFACTURING AND MINING POLLUTIONS.

Prohibition
as to drain-
age into
streams from
manufac-
tories.

5. Every person who causes to fall or flow or knowingly permits to fall or flow or to be carried into any stream any poisonous, 35 noxious, or polluting liquid proceeding from any factory or manufacturing process shall (subject as in this Act mentioned) be deemed to have committed an offence against this Act.

A.D. 1876.

Where any such poisonous, noxious, or polluting liquid as aforesaid falls or flows or is carried into any stream along a channel used or in process of construction at the date of the passing of this Act for the purpose of conveying such liquid, the person causing or
 5 knowingly permitting the poisonous, noxious, or polluting liquid so to fall or flow or to be carried shall not be deemed to have committed an offence against this Act if he shows to the satisfaction of the court having cognisance of the case that he is using the best practicable and available means to render harmless the poisonous,
 10 noxious, or polluting liquid so falling or flowing or carried into the stream.

6. Every person who causes to fall or flow or knowingly permits to fall or flow or to be carried into any stream any poisonous, noxious, or polluting liquid proceeding from any mine other than
 15 water which has been drained or raised from such mine, and has not been subsequently used for washing or cleansing ore, shall be deemed to have committed an offence against this Act, unless he shows to the satisfaction of the court having cognisance of the case that he is using the best practicable and available means to render
 20 harmless the poisonous, noxious, or polluting liquid so falling or flowing or carried into the stream.

Prohibition as to drainage into stream from mines.

7. Unless and until Parliament otherwise provides, proceedings shall not be taken against any person under this part of this Act save by a sanitary authority; nor shall any such proceedings be
 25 taken without the consent of the Local Government Board, which Board in giving or withholding their consent shall have regard to the industrial interests involved in the case and to the circumstances and requirements of the locality.

Restriction on proceedings under this part of the Act.

PART IV.

30

ADMINISTRATION OF LAW.

8. Every sanitary or other local authority having sewers under their control shall give facilities for enabling manufacturers within their district to carry the liquids proceeding from their factories or manufacturing processes into such sewers, on such terms as to com-
 35 pensation (if any), mode of conducting drains into the sewers, and otherwise, as may be determined by agreement, or in default of agreement may be settled by arbitration; and such terms shall be deemed to be a matter authorised to be settled by arbitration within the meaning of any Act providing for the settlement of disputes by
 40 arbitration between sanitary authorities and other persons:

Sanitary authority to afford facilities for factories draining into sewers.

Provided that this section shall not extend to compel any sanitary

[186.]

A 2

A.D. 1876. or other local authority to admit into their sewers any liquid which would prejudicially affect the disposal by sale, application to land, or otherwise, of the sewage matter conveyed along such sewers.

Power of
sanitary
authority to
enforce Act.

9. Every sanitary authority shall subject to the restrictions in this Act contained have power to enforce the provisions of this Act 5 in relation to any stream being within or passing through or by any part of their district, and for that purpose to institute proceedings in respect of any offence against this Act which causes interference with the due flow within their district of any such stream, or the pollution within their district of any such stream, against any 10 other sanitary authority or person, whether such offence is committed within or without the district of the first-named sanitary authority.

Any expenses incurred by a sanitary authority in the execution of this Act shall be payable as if they were expenses properly incurred by that authority in the execution of the Public Health 15 Act, 1875; but this section shall not prejudice the right of any person other than the sanitary authority to take proceedings for enforcing the provisions of this Act.

Constitution
and expenses
of con-
servancy
authority.

10. The Local Government Board may by provisional order constitute a conservancy authority for the whole of the catchment 20 area of any river and its affluents, or may divide any such area into parts and constitute a separate conservancy authority for each part; and any conservancy authority so constituted, and the conservancy board constituted under the Lee Conservancy Act, 1868, shall within the area of their jurisdiction have, to the exclusion of 25 any other authority, the powers for enforcing the provisions of this Act which sanitary authorities have under this Act.

A conservancy authority constituted in pursuance of this Act may also, if the Local Government Board see fit, be invested by the provisional order with the power of themselves undertaking the 30 removal of obstructions in, or the dredging, cleansing, and scouring of, any stream within the area of their jurisdiction, or of contributing to the expense of any such works when undertaken by riparian owners or other persons.

A conservancy authority for the whole or part of any catchment 35 area shall be constituted of representatives of the several sanitary authorities having jurisdiction within such area or part thereof, and of such ex-officio members (if any) as the Local Government Board may, by the order constituting such authority, determine. The Local Government Board shall, by such order, make regula- 40 tions as to the number and mode of election of elective members, as to their continuance in office, as to casual vacancies, as to

A.D. 1876.

meetings and officers of the conservancy authority, as to the mode in which the expenses incurred by the conservancy authority in the execution of this Act are to be defrayed, and the levying (where necessary) by any sanitary authority of a separate rate for the purpose of defraying their proportion of such expenses, and as to any other matter or thing which, in the opinion of the Local Government Board, requires regulation for the better carrying into effect the provisions of this Act with respect to conservancy authorities. The Local Government Board may also, by their order, if it appears to the said Board expedient, declare two or more sanitary authorities to be united for the purpose of electing a representative or representatives, and with respect to such representative or representatives may make such regulations as aforesaid.

Provided that the Local Government Board may by order constitute any urban sanitary authority having jurisdiction within any catchment area, with the consent of such authority (but not otherwise), the conservancy authority for the whole of such area, and any expenses incurred by such authority in the execution of this Act shall be payable as if they were expenses properly incurred by that authority in the execution of the Public Health Act, 1875.

All the provisions of the Public Health Act, 1875, with respect to provisional orders made under that Act by the Local Government Board shall apply to provisional orders made under this section.

11. The Local Government Board may if they think fit, on the application of any sanitary authority, by order authorise such authority to make byelaws for the protection from pollution of any stream or streams within their district, and the provisions of the Public Health Act, 1875, with respect to byelaws made under that Act shall apply to byelaws made under this section.

Local Government Board may authorise sanitary authorities to make byelaws for protection of streams.

30 LEGAL PROCEEDINGS. SAVING CLAUSES. DEFINITIONS.

(1.) *Legal Proceedings.*

12. The county court having jurisdiction in the place where any offence against this Act is committed may by summary order require any person to abstain from the commission of such offence, and where such offence consists in default to perform a duty under this Act may require him to perform such duty in manner in the said order specified; the court may insert in any order such conditions as to time or mode of action as it may think just, and may suspend or rescind any order on such undertaking being given or condition being performed as it may think just, and generally may

Offences to be restrained by summary order of county court.

A.D. 1876. give such directions for carrying into effect any order as to the court seems meet.

Any person making default in complying with any requirement of an order of a county court made in pursuance of this section shall pay such sum, not exceeding *fifty pounds* a day for every day during which he is in default, as the court may order; moreover, if any person so in default persists in disobeying any requirement of any such order for a period of not less than a month or such other period less than a month as may be prescribed by such order, the court may in addition to any penalty it may impose appoint any person or persons to carry into effect such order, and all expenses incurred by any such person or persons to such amount as may be allowed by the county court shall be deemed to be a debt due from the person in default to the person or persons executing such order, and may be recovered accordingly in the county court.

Appeal from county court, and removal of case into High Court of Justice.

13. An appeal shall lie from any order of a county court made under this Act to the High Court of Justice in the same manner and subject to the same conditions as are for the time being applicable to appeals to the said High Court from other orders of county courts.

Any plaint entered in a county court under this Act may be removed into the High Court of Justice by leave of any judge of the said High Court, if it appears to such judge desirable in the interests of justice that such case should be tried in the first instance in the High Court of Justice and not in a county court, and on such terms as to security for and payment of costs, and such other terms (if any) as such judge may think fit.

Certificate of inspector of Local Government Board as to best practicable means.

14. A certificate granted by an inspector of the Local Government Board to the effect that the means used for rendering harmless any sewage matter or poisonous, noxious, or polluting liquid falling or flowing or carried into any stream, are the best or only practicable and available means under the circumstances of the particular case, shall in all courts and in all proceedings be conclusive evidence of the fact; such certificate shall continue in force for a period to be named therein, not exceeding *five* years, and at the expiration of that period may be renewed for the like or any less period.

All expenses incurred in or about obtaining a certificate under this section shall be paid by the applicant for the same.

Any person aggrieved by the grant or the withholding of a certificate under this section may appeal to the Local Government Board against the decision of the inspector; and the Board may either confirm, reverse, or modify his decision, and may make such order as to the party or parties by whom the costs of the appeal are to be borne as to the said Board may appear just.

15. Proceedings shall not be taken against any person for any offence against the provisions of this Act until the expiration of *twelve* months after the passing of this Act; nor shall proceedings in any case be taken for any offence against this Act until the
 5 expiration of *two* months after written notice of the intention to take such proceedings has been given to the offender.

A.D. 1876.

Restriction
on proceed-
ings for
offences.

(2.) *Saving Clauses.*

16. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by
 10 Act of Parliament, law, or custom, and such other powers may be exercised in the same manner as if this Act had not passed; and nothing in this Act shall legalise any act or default which would but for this Act be deemed to be a nuisance or otherwise contrary to law.
- 15 17. Nothing in or done under this Act shall extend to interfere with, take away, abridge, or prejudicially affect any right, power, authority, jurisdiction, or privilege given by "The Thames Conservancy Acts, 1857 and 1864," or by "The Thames Navigation Act, 1866," or by the Lee Conservancy Act, 1868, or any Act or Acts
 20 extending or amending the said Acts or either of them, or affect any outfall or other works of the Metropolitan Board of Works (although beyond the Metropolis) executed under the Metropolis Management Act, 1855, and the Acts amending or extending the same, or take away, abridge, or prejudicially affect any right, power, authority,
 25 jurisdiction, or privilege of the Metropolitan Board of Works.

Powers of
Act cumu-
lative.

Saving of
certain Con-
servancy
Acts.

(3.) *Definitions.*

18. In this Act, if not inconsistent with the context, the follow-
 ing terms have the meanings herein-after respectively assigned to
 them; that is to say,
- 30 "Person" includes any body of persons, whether corporate or unincorporate : "Person :"
- "Stream" includes the sea to such extent, and tidal waters to
 such point, as may be determined by the Local Government
 Board, by order published in the London Gazette. Save as
 35 aforesaid, it includes rivers, streams, canals, lakes, and watercourses of every description.
- "Sanitary authority" means—
 In the metropolis as defined by the Metropolis Management
 Act, 1855, any local authority acting in the execution of the
 [186.]

Definitions :

"Stream."

A.D. 1876.

Nuisances Removal for England Act, 1855, and the Acts amending the same ;

Elsewhere in England, any urban or rural sanitary authority acting in the execution of the Public Health Act, 1875.

PART V.

5

APPLICATION OF THE ACT TO SCOTLAND.

Modifica-
tions of Act
in Scotland.

19. In the application of this Act to Scotland the following provisions shall have effect :

- (1.) The expression "sanitary authority" shall mean and include the local authority in any parish or burgh in Scotland, acting under the Public Health (Scotland) Act, 1867 : 10
- (2.) The expression "urban sanitary authority" shall mean the local authority in any burgh in Scotland acting under the Public Health (Scotland) Act, 1867 :
- (3.) The expression "the Public Health Act, 1875," shall mean the Public Health (Scotland) Act, 1867, and any Acts amending the same : 15
- (4.) This Act shall be read and construed as if for the expression "the Local Government Board," wherever it occurs therein, the expression "the Secretary of State" were substituted ; and the expression "the Secretary of State" shall mean one of Her Majesty's Principal Secretaries of State : 20
- (5.) The expression "the county court" shall mean the sheriff of the county, and shall include sheriff substitute ; and the expression "plaint entered in a county court" shall mean petition or complaint presented in a sheriff court : 25
- (6.) The expression "the High Court of Justice" shall mean the Court of Session in either division of the Inner House thereof : 30
- (7.) All the jurisdiction, powers, and authorities necessary for the purposes of this Act are hereby conferred on sheriffs and their substitutes :
- (8.) With respect to provisional orders authorised to be made by the Secretary of State under this Act, the following enactments shall be made : 35
 - (a.) The Secretary of State shall not make any provisional order under this Act unless public notice of the purport of the proposed order has been previously given by advertisement in two succes- 40

sive weeks in some local newspaper circulated in the district to which such provisional order relates. ⁵

- 5 (b.) Before making any such provisional order, the Secretary of State shall consider any objections which may be made thereto by any persons affected thereby; and in cases where the subject matter is one to which a local inquiry is applicable, shall cause to be made a local inquiry, of
10 which public notice shall be given in manner aforesaid, and at which all persons interested shall be permitted to attend and make objections.
- (c.) The Secretary of State may submit to Parliament for confirmation any provisional order made by
15 him in pursuance of this Act; but any such order shall be of no force whatever unless and until it is confirmed by Parliament.
- (d.) If while the Bill confirming any such order is pending in either House of Parliament a petition
20 is presented against any order comprised therein, the Bill, so far as it relates to such order, may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of private bills.
- 25 (e.) Any Act confirming any provisional order made in pursuance of this Act may be repealed, altered, or amended by any provisional order made by the Secretary of State and confirmed by Parliament.
- 30 (f.) The Secretary of State may revoke, either wholly or partially, any provisional order made by him before the same is confirmed by Parliament; but such revocation shall not be made whilst the Bill confirming the order is pending in either House
35 of Parliament.
- (g.) The making of a provisional order shall be *prima facie* evidence that all the requirements of this Act in respect of proceedings required to be taken previously to the making of such provisional order have been complied with.
- 40 (h.) Every Act confirming any such provisional order shall be deemed to be a public Act.

- (i.) The reasonable costs of any sanitary or other local authority in respect of Provisional Orders made in pursuance of this Act, and of the inquiry preliminary thereto, as sanctioned by the Secretary of State, whether in promoting or opposing the same, shall be deemed to be expenses properly incurred for purposes of this Act by the sanitary or other local authority interested in or affected by such provisional orders, and such costs shall be paid accordingly; and if thought expedient by the Secretary of State, the sanitary or other local authority may contract a loan for the purpose of defraying such costs : 5 10
- (9.) With respect to byelaws authorised to be made by a sanitary authority under this Act, the following enactments shall be made : 15
- (a.) All byelaws made by a sanitary authority under and for the purposes of this Act shall be signed by the clerk thereof, and any such byelaw may be altered or repealed by a subsequent byelaw made pursuant to the provisions of this Act : 20
Provided that no byelaw made under this Act by a local authority shall be of any effect if repugnant to the laws of Scotland or to the provisions of this Act. 25
- (b.) Any sanitary authority may, by any byelaws made by them under this Act, impose on offenders against the same such reasonable penalties as they think fit, not exceeding the sum of *five pounds* for each offence, and in the case of a continuing offence a further penalty not exceeding *forty shillings* for each day after written notice of the offence from the sanitary authority ; 30
but all such byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty. 35
- (c.) Byelaws made by a sanitary authority under this Act shall not take effect unless and until they have been submitted to and confirmed by the Secretary of State, who is hereby empowered to allow or disallow the same as he may think proper, nor shall any such byelaws be confirmed,— 40

Unless notice of intention to apply for confirmation of the same has been given in one or more of the local newspapers circulated within the district to which such byelaws relate *one month* at least before the making of such application; and

Unless for *one month* at least before any such application, a copy of the proposed byelaws has been kept at the office of the sanitary authority, and has been open during office hours thereat to the inspection of the ratepayers of the district to which such byelaws relate, without fee or reward :

The clerk of the sanitary authority shall, on the application of any such ratepayer, furnish him with a copy of such proposed byelaws or any part thereof on payment of *sixpence* for every hundred words contained in such copy.

(d.) All byelaws made by a sanitary authority under this Act, shall be printed and hung up in the office of such authority, and a copy thereof shall be delivered to any ratepayer of the district to which such byelaws relate on his application for the same.

(e.) A copy of any byelaws made under this Act by a sanitary authority signed and certified by the clerk of such authority to be a true copy and to have been duly confirmed, shall be evidence until the contrary is proved in all legal proceedings of the due making, confirmation, and existence of such byelaws without further or other proof.

Pollution of Rivers.

A

B I L L

For making further Provision for the
Prevention of the Pollution of Rivers.

(*Prepared and brought in by*
Mr. Selater-Booth and Mr. Salt.)

Ordered, by The House of Commons, to be Printed
8 June 1876.

[Bill 186.]

Under 2 oz.

Pollution of Rivers Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title of Act.
2. Extent of Act.

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LAW AS TO SOLID MATTERS.

3. Prohibition as to putting solid matters into streams.
4. Consent of Local Government Board to proceedings under this part of the Act.

PART II.

LAW AS TO SEWAGE POLLUTIONS.

5. Prohibition as to drainage into streams of sewers.

PART III.

LAW AS TO MANUFACTURING AND MINING POLLUTIONS.

6. Prohibition as to drainage into streams from manufactories.
7. Prohibition as to drainage into stream from mines.
8. Restriction on proceedings under this part of the Act.

PART IV.

ADMINISTRATION OF LAW.

9. Sanitary authority to afford facilities for factories draining into sewers.
 10. Power of sanitary authority to enforce Act.
 11. Power of Lee Conservancy Board to enforce Act.
- [Bill 272.] A

LEGAL PROCEEDINGS. SAVING CLAUSES. DEFINITIONS.

(1.) *Legal Proceedings.*

Clauses.

12. Offences to be restrained by summary order of county court.
13. Appeal from county court, and removal of case into High Court of Justice.
14. Certificate of inspector of Local Government Board as to best practicable means.
15. Restriction on proceedings for offences.

(2.) *Saving Clauses.*

16. Powers of Act cumulative.
17. Saving of certain Conservancy Acts.

(3.) *Definitions.*

18. Definitions.

PART V.

APPLICATION OF THE ACT TO SCOTLAND.

19. Modifications of Act to Scotland.
-

A
B I L L

[AS AMENDED IN COMMITTEE]

FOR

Making further Provision for the Prevention of the Pollution A.D. 1876.
of Rivers.

WHEREAS it is expedient to make further provision for the prevention of the pollution of rivers, and in particular to prevent the establishment of new sources of pollution :

Be it therefore enacted by the Queen's most Excellent Majesty,
5 by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as the Rivers Pollution Short title
of Act.
Prevention Act, 1876.

10 2. This Act shall not extend to Ireland. Extent of
Act.

PART I.

LAW AS TO SOLID MATTERS.

3. Every person who puts or causes to be put or to fall or knowingly permits to be put or to fall or to be carried into any Prohibition
as to putting
solid matters
into streams.
15 stream, so as either singly or in combination with other similar acts of the same or any other person to interfere prejudicially with its due flow, or to pollute its waters, the solid refuse of any manufactory, manufacturing process, quarry, or any rubbish or cinders, or any other waste or putrid solid matter, shall be deemed to
20 have committed an offence against this Act :

In proving interference with the due flow of any stream, or in proving the pollution of any stream, evidence may be given of repeated acts which may be held together to cause such interference or pollution, although each act taken by itself may not be sufficient
25 for that purpose.

This section shall not apply to particles of solid matter in suspension in water, nor shall it apply to or affect the lawful exercise of any rights of impounding or diverting water.

[Bill 272.]

A 2

A.D. 1876.

Consent of
Local Government
Board to
proceedings
under this
part of the
Act.

4. Proceedings shall not be taken under this part of this Act without the consent of the Local Government Board, which Board, in giving or withholding their consent, shall have regard to the industrial interests involved in the case, and to the circumstances and requirements of the locality.

5

PART II.

LAW AS TO SEWAGE POLLUTIONS.

Prohibition
as to drain-
age into
streams of
sewers.

5. Every person who causes to fall or flow or knowingly permits to fall or flow or to be carried into any stream any solid or liquid sewage matter, shall (subject as in this Act mentioned) be deemed 10 to have committed an offence against this Act.

Where any sewage matter falls or flows or is carried into any stream along a channel used or in process of construction at the date of the passing of this Act for the purpose of conveying such sewage matter, the person causing or knowingly permitting the 15 sewage matter so to fall or flow or to be carried shall not be deemed to have committed an offence against this Act if he shows to the satisfaction of the court having cognisance of the case that he is using the best practicable and available means to render harmless the sewage matter so falling or flowing or carried into the stream. 20

Where the Local Government Board are satisfied that further time ought to be granted to any sanitary authority, which at the date of the passing of this Act is discharging sewage matter into any stream by any such channel as aforesaid, for the purpose of enabling such authority to adopt the best practicable and available 25 means for rendering harmless such sewage matter, the Local Government Board may by order declare that this section shall not, so far as regards the discharge of sewage matter by such channel be in operation until the expiration of a period to be limited in the order. 30

Any order made under this section may be from time to time renewed by the Local Government Board, subject to such conditions, if any, as they may see fit.

A person shall not be guilty of an offence under this section in respect of the passing of sewage matter into a stream along a drain 35 communicating with any sewer belonging to or under the control of any sanitary authority.

PART III.

LAW AS TO MANUFACTURING AND MINING POLLUTIONS.

Prohibition
as to drain-
age into

6. Every person who causes to fall or flow or knowingly permits 40 to fall or flow or to be carried into any stream any poisonous,

noxious, or polluting liquid proceeding from any factory or manufacturing process shall (subject as in this Act mentioned) be deemed to have committed an offence against this Act.

A.D. 1876.
—
streams from
manufac-
tories.

Where any such poisonous, noxious, or polluting liquid as afore-
5 said falls or flows or is carried into any stream along a channel
used or in process of construction at the date of the passing of this
Act for the purpose of conveying such liquid, the person causing or
knowingly permitting the poisonous, noxious, or polluting liquid so
to fall or flow or to be carried shall not be deemed to have com-
10 mitted an offence against this Act if he shows to the satisfaction of
the court having cognisance of the case that he is using the best
practicable and available means, at a reasonable cost, to render
harmless the poisonous, noxious, or polluting liquid so falling or
flowing or carried into the stream.

15 7. Every person who causes to fall or flow or knowingly permits
to fall or flow or to be carried into any stream any solid matter
from any mine in such quantities as to prejudicially interfere with
its due flow, or any poisonous, noxious, or polluting solid or liquid
matter proceeding from any mine, other than water which has been
20 drained or raised from such mine, shall be deemed to have com-
mitted an offence against this Act, unless in the case of poisonous,
noxious, or polluting matter he shows to the satisfaction of the
court having cognisance of the case that he is using the best
practicable and available means, at a reasonable cost, to render
25 harmless the poisonous, noxious, or polluting matter so falling or
flowing or carried into the stream.

Prohibition
as to drain-
age into
stream from
mines.

8. Unless and until Parliament otherwise provides, proceedings
shall not be taken against any person under this part of this Act
save by a sanitary authority; nor shall any such proceedings be
30 taken without the consent of the Local Government Board.

Restriction
on proceed-
ings under
this part of
the Act.

The said Board in giving or withholding their consent shall have
regard to the industrial interests involved in the case and to the
circumstances and requirements of the locality, and shall not give
their consent to proceedings by the sanitary authority of any dis-
35 trict which is the seat of any textile manufacture, unless they are
satisfied, after due inquiry, that means for rendering harmless the
poisonous, noxious, or polluting liquids proceeding from the pro-
cesses of such manufacture are reasonably practicable and available
under all the circumstances of the case, and that no material injury
40 will be inflicted by such proceedings on the interests of such
manufacture.

A.D. 1876. Any person within such district as aforesaid, against whom proceedings are proposed to be taken under this part of this Act, shall, notwithstanding any consent of the Local Government Board, be at liberty to object before the sanitary authority to such proceedings being taken, and such authority shall, if required in writing by 5 such person, afford him an opportunity of being heard against such proceedings being taken, so far as the same relate to his works or manufacturing processes. The sanitary authority shall thereupon allow such person to be heard by himself, agents, and witnesses, and after inquiry such authority shall determine, having regard to 10 all the considerations to which the Local Government Board are by this section directed to have regard, whether such proceedings as aforesaid shall or shall not be taken.

PART IV.

ADMINISTRATION OF LAW.

15

Sanitary authority to afford facilities for factories draining into sewers.

9. Every sanitary or other local authority having sewers under their control shall give facilities for enabling manufacturers within their district to carry the liquids proceeding from their factories or manufacturing processes into such sewers :

Provided that this section shall not extend to compel any sanitary 20 or other local authority to admit into their sewers any liquid which would prejudicially affect the disposal by sale, application to land, or otherwise, of the sewage matter conveyed along such sewers :

Provided also, that no sanitary authority shall be required to give such facilities as aforesaid where the sewers of such authority are 25 only sufficient for the requirements of their district, nor where such authority is subject to any order of any court of competent jurisdiction respecting the sewage of such authority.

Power of sanitary authority to enforce Act.

10. Every sanitary authority shall subject to the restrictions in this Act contained have power to enforce the provisions of this Act 30 in relation to any stream being within or passing through or by any part of their district, and for that purpose to institute proceedings in respect of any offence against this Act which causes interference with the due flow within their district of any such stream, or the pollution within their district of any such stream, against any 35 other sanitary authority or person, whether such offence is committed within or without the district of the first-named sanitary authority.

Any expenses incurred by a sanitary authority in the execution of this Act shall be payable as if they were expenses properly incurred by that authority in the execution of the Public Health 40 Act, 1875.

Proceedings may also, subject to the restrictions in this Act A.D. 1876.
 contained, be instituted in respect of any offence against the Act
 by any person aggrieved by the commission of such offence.

11. The Conservancy Board constituted under the Lee Con- Power of
 5 servancy Act, 1868, shall, within the area of their jurisdiction, have, Lee Conser-
 to the exclusion of any other authority, the powers for enforcing vancy Board
 the provisions of this Act which sanitary authorities have under to enforce
 this Act. Act.

The said Conservancy Board may also enforce the provisions of
 10 the Lee Conservancy Act, 1868, under the head or division "Pro-
 tection of Water," by application to the county court having
 jurisdiction in the place in which any offence is committed against
 those provisions, and such court may by summary order require
 15 any person to abstain from the commission of any such offence,
 and the provisions of this Act with respect to summary orders of
 county courts and appeal therefrom shall apply accordingly.

LEGAL PROCEEDINGS. SAVING CLAUSES. DEFINITIONS.

(1.) *Legal Proceedings.*

12. The county court having jurisdiction in the place where any Offences to
 20 offence against this Act is committed may by summary order be restrained
 require any person to abstain from the commission of such offence, by summary
 and where such offence consists in default to perform a duty under order of
 this Act may require him to perform such duty in manner in the county
 25 said order specified; the court may insert in any order such con- court.
 ditions as to time or mode of action as it may think just, and may
 suspend or rescind any order on such undertaking being given or
 condition being performed as it may think just, and generally may
 give such directions for carrying into effect any order as to the
 court seems meet.

30 Any person making default in complying with any requirement
 of an order of a county court made in pursuance of this section shall
 pay such sum, not exceeding fifty pounds a day for every day during
 which he is in default, as the court may order; moreover, if any
 person so in default persists in disobeying any requirement of any
 35 such order for a period of not less than a month or such other
 period less than a month as may be prescribed by such order, the
 court may in addition to any penalty it may impose appoint any

A.D. 1876. person or persons to carry into effect such order, and all expenses incurred by any such person or persons to such amount as may be allowed by the county court shall be deemed to be a debt due from the person in default to the person or persons executing such order, and may be recovered accordingly in the county court. 5

Appeal from county court, and removal of case into High Court of Justice.

13. An appeal shall lie from any order of a county court made under this Act to the High Court of Justice in the same manner and subject to the same conditions as are for the time being applicable to appeals to the said High Court from other orders of county courts.

Any plaint entered in a county court under this Act may be removed into the High Court of Justice by leave of any judge of the said High Court, if it appears to such judge desirable in the interests of justice that such case should be tried in the first instance in the High Court of Justice and not in a county court, and on such terms as to security for and payment of costs, and such other terms (if any) as such judge may think fit. 15

Certificate of inspector of Local Government Board as to best practicable means.

14. A certificate granted by an inspector of the Local Government Board to the effect that the means used for rendering harmless any sewage matter or poisonous, noxious, or polluting liquid falling or flowing or carried into any stream, are the best or only practicable and available means under the circumstances of the particular case, shall in all courts and in all proceedings be conclusive evidence of the fact; such certificate shall continue in force for a period to be named therein, not exceeding five years, and at the expiration of that period may be renewed for the like or any less period. 20

All expenses incurred in or about obtaining a certificate under this section shall be paid by the applicant for the same. 25

Any person aggrieved by the grant or the withholding of a certificate under this section may appeal to the Local Government Board against the decision of the inspector; and the Board may either confirm, reverse, or modify his decision, and may make such order as to the party or parties by whom the costs of the appeal are to be borne as to the said Board may appear just. 30

Restriction on proceedings for offences.

15. Proceedings shall not be taken against any person for any offence against the provisions of this Act until the expiration of twelve months after the passing of this Act; nor shall proceedings in any case be taken for any offence against this Act until the expiration of two months after written notice of the intention to 35

take such proceedings has been given to the offender, nor shall proceedings under this Act be taken for any offence against this Act while other proceedings in relation to such offence are pending.

A.D. 1876.

(2.) *Saving Clauses.*

5 **16.** The powers given by this Act shall not be deemed to prejudice or affect any other powers conferred by Act of Parliament, law, or custom, and such other powers may be exercised in the same manner as if this Act had not passed; and nothing in this Act shall legalise any act or default which would but for this Act
10 be deemed to be a nuisance or otherwise contrary to law.

Powers of Act cumulative.

17. Nothing in or done under this Act shall extend to interfere with, take away, abridge, or prejudicially affect any right, power, authority, jurisdiction, or privilege given by "The Thames Conservancy Acts, 1857 and 1864," or by "The Thames Navigation Act,
15 1866," or by the Lee Conservancy Act, 1868, or any Act or Acts extending or amending the said Acts or either of them, or affect any outfall or other works of the Metropolitan Board of Works (although beyond the Metropolis) executed under the Metropolis Management Act, 1855, and the Acts amending or extending the same, or take
20 away, abridge, or prejudicially affect any right, power, authority, jurisdiction, or privilege of the Metropolitan Board of Works.

Saving of certain Conservancy Acts.

(3.) *Definitions.*

18. In this Act, if not inconsistent with the context, the following terms have the meanings herein-after respectively assigned to
25 them; that is to say,

Definitions :

"Person" includes any body of persons, whether corporate or unincorporate : "Person."

30 "Stream" includes the sea to such extent, and tidal waters to such point, as may be determined by the Local Government Board, by order published in the London Gazette. Save as aforesaid, it includes rivers, streams, canals, lakes, and watercourses of every description. "Stream."

35 "Sanitary authority" means—
In the metropolis as defined by the Metropolis Management Act, 1855, any local authority acting in the execution of the Nuisances Removal for England Act, 1855, and the Acts amending the same ;

Elsewhere in England, any urban or rural sanitary authority acting in the execution of the Public Health Act, 1875.

[272.]

B

A.D. 1876.

PART V.

APPLICATION OF THE ACT TO SCOTLAND.

Modifica-
tions of Act
in Scotland.

19. In the application of this Act to Scotland the following provisions shall have effect :

- (1.) The expression "sanitary authority" shall mean and include 5
the local authority in any parish or burgh in Scotland,
acting under the Public Health (Scotland) Act, 1867 :
- (2.) The expression "urban sanitary authority" shall mean the
local authority in any burgh in Scotland acting under the
Public Health (Scotland) Act, 1867 : 10
- (3.) The expression "the Public Health Act, 1875," shall mean
the Public Health (Scotland) Act, 1867, and any Acts
amending the same :
- (4.) This Act shall be read and construed as if for the expression
"the Local Government Board," wherever it occurs 15
therein, the expression "the Secretary of State" were
substituted ; and the expression "the Secretary of State"
shall mean one of Her Majesty's Principal Secretaries of
State :
- (5.) The expression "the county court" shall mean the sheriff 20
of the county, and shall include sheriff substitute ; and the
expression "plaint entered in a county court" shall mean
petition or complaint presented in a sheriff court :
- (6.) The expression "the High Court of Justice" shall mean the
Court of Session in either division of the Inner House 25
thereof :
- (7.) All the jurisdiction, powers, and authorities necessary for
the purposes of this Act are hereby conferred on sheriffs
and their substitutes.

Pollution of Rivers.

A

B I L L

[AS AMENDED IN COMMITTEE]

For making further Provision for the
Prevention of the Pollution of Rivers.

(*Prepared and brought in by*
Mr. Selater-Booth and Mr. Salt.)

Ordered, by The House of Commons, to be Printed
25 July 1876.

[Bill 272.]

Under 2 oz.

Pollution of Rivers Bill.

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT.]

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title of Act.
2. Extent of Act.

PART I.

LAW AS TO SOLID MATTERS.

3. Prohibition as to putting solid matters into streams.
4. Consent of Local Government Board to proceedings under this part of the Act.

PART II.

LAW AS TO SEWAGE POLLUTIONS.

5. Prohibition as to drainage into streams of sewers.

PART III.

LAW AS TO MANUFACTURING AND MINING POLLUTIONS.

6. Prohibition as to drainage into streams from manufactories.
7. Prohibition as to drainage into stream from mines.
8. Restriction on proceedings under this part of the Act.

PART IV.

ADMINISTRATION OF LAW.

9. Sanitary authority to afford facilities for factories draining into sewers.
 10. Power of sanitary authority to enforce Act.
 11. Power of Lee Conservancy Board to enforce Act.
- [Bill 276.] A

LEGAL PROCEEDINGS. SAVING CLAUSES. DEFINITIONS.

(1.) *Legal Proceedings.*

Clauses.

12. Offences to be restrained by summary order of county court.
13. Appeal from county court, and removal of case into High Court of Justice.
14. Certificate of inspector of Local Government Board as to best practicable means.
15. Restriction on proceedings for offences.

(2.) *Saving Clauses.*

16. Powers of Act cumulative.
17. Saving of certain Conservancy Acts.

(3.) *Definitions.*

18. Definitions.

PART V.

APPLICATION OF THE ACT TO SCOTLAND.

19. Modifications of Act to Scotland.
-

A
B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

FOR

Making further Provision for the Prevention of the Pollution A.D. 1876.
of Rivers.

WHEREAS it is expedient to make further provision for the prevention of the pollution of rivers, and in particular to prevent the establishment of new sources of pollution :

Be it therefore enacted by the Queen's most Excellent Majesty,
5 by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as the Rivers Pollution Short title
of Act.
Prevention Act, 1876.

10 2. This Act shall not extend to Ireland. Extent of
Act.

PART I.

LAW AS TO SOLID MATTERS.

3. Every person who puts or causes to be put or to fall or Prohibition
as to putting
solid matters
into streams.
knowingly permits to be put or to fall or to be carried into any
15 stream, so as either singly or in combination with other similar acts
of the same or any other person to interfere prejudicially with its
due flow, or to pollute its waters, the solid refuse of any manu-
factory, manufacturing process, quarry, or any rubbish or cinders,
or any other waste or putrid solid matter, shall be deemed to
20 have committed an offence against this Act :

In proving interference with the due flow of any stream, or in
proving the pollution of any stream, evidence may be given of
repeated acts which may be held together to cause such interference
or pollution, although each act taken by itself may not be sufficient
25 for that purpose.

This section shall not apply to particles of solid matter in
suspension in water, nor shall it apply to or affect the lawful
exercise of any rights of impounding or diverting water.

[Bill 276.]

A 2

A.D. 1876.

Consent of
Local Go-
vernment
Board to
proceedings
under this
part of the
Act.

4. Proceedings shall not be taken under this part of this Act without the consent of the Local Government Board, which Board, in giving or withholding their consent, shall have regard to the industrial interests involved in the case, and to the circumstances and requirements of the locality.

5

PART II.

LAW AS TO SEWAGE POLLUTIONS.

Prohibition
as to drain-
age into
streams of
sewers.

5. Every person who causes to fall or flow or knowingly permits to fall or flow or to be carried into any stream any solid or liquid sewage matter, shall (subject as in this Act mentioned) be deemed to have committed an offence against this Act. 10

Where any sewage matter falls or flows or is carried into any stream along a channel used or in process of construction at the date of the passing of this Act for the purpose of conveying such sewage matter, the person causing or knowingly permitting the sewage matter so to fall or flow or to be carried shall not be deemed to have committed an offence against this Act if he shows to the satisfaction of the court having cognisance of the case that he is using the best practicable and available means to render harmless the sewage matter so falling or flowing or carried into the stream. 20

Where the Local Government Board are satisfied that further time ought to be granted to any sanitary authority, which at the date of the passing of this Act is discharging sewage matter into any stream by any such channel as aforesaid, for the purpose of enabling such authority to adopt the best practicable and available means for rendering harmless such sewage matter, the Local Government Board may by order declare that this section shall not, so far as regards the discharge of sewage matter by such channel be in operation until the expiration of a period to be limited in the order. 25 30

Any order made under this section may be from time to time renewed by the Local Government Board, subject to such conditions, if any, as they may see fit.

A person shall not be guilty of an offence under this section in respect of the passing of sewage matter into a stream along a drain communicating with any sewer belonging to or under the control of any sanitary authority. 35

PART III.

LAW AS TO MANUFACTURING AND MINING POLLUTIONS.

Prohibition
as to drain-
age into

6. Every person who causes to fall or flow or knowingly permits to fall or flow or to be carried into any stream any poisonous, 40

noxious, or polluting liquid proceeding from any factory or manufacturing process shall (subject as in this Act mentioned) be deemed to have committed an offence against this Act.

A.D. 1876.
—
streams from
manufac-
tories.

Where any such poisonous, noxious, or polluting liquid as afore-
5 said falls or flows or is carried into any stream along a channel
used, constructed, or in process of construction at the date of the
passing of this Act, or any new channel constructed in substitution
thereof, for the purpose of conveying such liquid, the person causing
or knowingly permitting the poisonous, noxious, or polluting liquid
10 so to fall or flow or to be carried shall not be deemed to have com-
mitted an offence against this Act if he shows to the satisfaction of
the court having cognisance of the case that he is using the best
practicable and available means, at a reasonable cost, to render
harmless the poisonous, noxious, or polluting liquid so falling or
15 flowing or carried into the stream.

7. Every person who causes to fall or flow or knowingly permits
to fall or flow or to be carried into any stream any solid matter
from any mine in such quantities as to prejudicially interfere with
its due flow, or any poisonous, noxious, or polluting solid or liquid
20 matter proceeding from any mine, other than water which has been
drained or raised from such mine, shall be deemed to have com-
mitted an offence against this Act, unless in the case of poisonous,
noxious, or polluting matter he shows to the satisfaction of the
court having cognisance of the case that he is using the best
25 practicable and available means, at a reasonable cost, to render
harmless the poisonous, noxious, or polluting matter so falling or
flowing or carried into the stream.

Prohibition
as to drain-
age into
stream from
mines.

8. Unless and until Parliament otherwise provides, proceedings
shall not be taken against any person under this part of this Act
30 save by a sanitary authority; nor shall any such proceedings be
taken without the consent of the Local Government Board: Pro-
vided always, that if the sanitary authority, on the application of
any person interested alleging an offence to have been committed,
shall refuse to take proceedings or apply for the consent by this
35 section provided, the person so interested may apply to the Local
Government Board, and if that Board on inquiry is of opinion
that the sanitary authority should take proceedings, they may
direct the sanitary authority accordingly, who shall thereupon take
proceedings.

Restriction
on proceed-
ings under
this part of
the Act.

40 The said Board in giving or withholding their consent shall have
regard to the industrial interests involved in the case and to the
circumstances and requirements of the locality, and shall not give

A.D. 1876. — their consent to proceedings by the sanitary authority of any district which is the seat of any manufacturing industry, unless they are satisfied, after due inquiry, that means for rendering harmless the poisonous, noxious, or polluting liquids proceeding from the processes of such manufactures are reasonably practicable and available 5 under all the circumstances of the case, and that no material injury will be inflicted by such proceedings on the interests of such manufacture.

Any person within such district as aforesaid, against whom proceedings are proposed to be taken under this part of this Act, shall, 10 notwithstanding any consent of the Local Government Board, be at liberty to object before the sanitary authority to such proceedings being taken, and such authority shall, if required in writing by such person, afford him an opportunity of being heard against such proceedings being taken, so far as the same relate to his works or 15 manufacturing processes. The sanitary authority shall thereupon allow such person to be heard by himself, agents, and witnesses, and after inquiry such authority shall determine, having regard to all the considerations to which the Local Government Board are by this section directed to have regard, whether such proceedings 20 as aforesaid shall or shall not be taken; and where any such sanitary authority has taken proceedings under this Act, it shall not be competent to other parties to take proceedings under this Act till the party against whom such proceedings are intended shall have failed in reasonable time to carry out the order of any competent 25 court under this Act.

PART IV.

ADMINISTRATION OF LAW.

Sanitary authority to afford facilities for factories draining into sewers.

9. Every sanitary or other local authority having sewers under their control shall give facilities for enabling manufacturers within 30 their district to carry the liquids proceeding from their factories or manufacturing processes into such sewers :

Provided that this section shall not extend to compel any sanitary or other local authority to admit into their sewers any liquid which would prejudicially affect the disposal by sale, application to land, 35 or otherwise, of the sewage matter conveyed along such sewers :

Provided also, that no sanitary authority shall be required to give such facilities as aforesaid where the sewers of such authority are only sufficient for the requirements of their district, nor where such facilities would interfere with any order of any court of competent 40 jurisdiction respecting the sewage of such authority.

10. Every sanitary authority shall, subject to the restrictions in this Act contained, have power to enforce the provisions of this Act in relation to any stream being within or passing through or by any part of their district, and for that purpose to institute proceedings in respect of any offence against this Act which causes interference with the due flow within their district of any such stream, or the pollution within their district of any such stream, against any other sanitary authority or person, whether such offence is committed within or without the district of the first-named sanitary authority.

A.D. 1876.

Power of
sanitary
authority to
enforce Act.

10 Any expenses incurred by a sanitary authority in the execution of this Act shall be payable as if they were expenses properly incurred by that authority in the execution of the Public Health Act, 1875.

15 Proceedings may also, subject to the restrictions in this Act contained, be instituted in respect of any offence against the Act by any person aggrieved by the commission of such offence.

11. The Conservancy Board constituted under the Lee Conservancy Act, 1868, shall, within the area of their jurisdiction, have, to the exclusion of any other authority, the powers for enforcing the provisions of this Act which sanitary authorities have under this Act.

Power of
Lee Conser-
vancy Board
to enforce
Act.

The said Conservancy Board may also enforce the provisions of the Lee Conservancy Act, 1868, under the head or division "Protection of Water," by application to the county court having jurisdiction in the place in which any offence is committed against those provisions, and such court may by summary order require any person to abstain from the commission of any such offence, and the provisions of this Act with respect to summary orders of county courts and appeal therefrom shall apply accordingly.

30 LEGAL PROCEEDINGS. SAVING CLAUSES. DEFINITIONS.

(1.) *Legal Proceedings.*

12. The county court having jurisdiction in the place where any offence against this Act is committed may by summary order require any person to abstain from the commission of such offence, and where such offence consists in default to perform a duty under this Act may require him to perform such duty in manner in the said order specified; the court may insert in any order such conditions as to time or mode of action as it may think just, and may suspend or rescind any order on such undertaking being given or condition being performed as it may think just, and generally may give such directions for carrying into effect any order as to the

Offences to
be restrained
by summary
order of
county
court.

A.D. 1876. court seems meet. Previous to granting such order the court may
 — remit to skilled parties to report on the “best practicable and
 available means” and the nature and cost of the works and
 apparatus required, and shall in all cases take into consideration
 the reasonableness of the expense involved in their order. 5

Any person making default in complying with any requirement
 of an order of a county court made in pursuance of this section shall
 pay such sum, not exceeding fifty pounds a day for every day during
 which he is in default, as the court may order; moreover, if any
 person so in default persists in disobeying any requirement of any 10
 such order for a period of not less than a month or such other
 period less than a month as may be prescribed by such order, the
 court may in addition to any penalty it may impose appoint any
 person or persons to carry into effect such order, and all expenses
 incurred by any such person or persons to such amount as may 15
 be allowed by the county court shall be deemed to be a debt due
 from the person in default to the person or persons executing such
 order, and may be recovered accordingly in the county court.

Appeal from
 county court,
 and removal
 of case into
 High Court
 of Justice.

13. If either party in any proceedings before the county court
 under this Act feels aggrieved by the decision of the court in point 20
 of law or on the merits, or in respect of the admission or rejection
 of any evidence, he may appeal from that decision to the High
 Court of Justice.

The appeal shall be in the form of a special case to be agreed
 upon by both parties or their attorneys, and, if they cannot agree, 25
 to be settled by the judge of the county court upon the application
 of the parties or their attorneys.

The court of appeal may draw any inferences from the facts
 stated in the case that a jury might draw from facts stated by
 witnesses. 30

Subject to the provisions of this section, all the enactments,
 rules, and orders relating to proceedings in actions in county courts,
 and to enforcing judgments in county courts and appeals from deci-
 sions of the county court judges, and to the conditions of such
 appeals, and to the power of the superior courts on such appeals, 35
 shall apply to all proceedings under this Act, and to an appeal from
 such action, in the same manner as if such action and appeal
 related to a matter within the ordinary jurisdiction of the court.

Any plaint entered in a county court under this Act may be
 removed into the High Court of Justice by leave of any judge of 40
 the said High Court, if it appears to such judge desirable in the
 interests of justice that such case should be tried in the first instance

in the High Court of Justice and not in a county court, and on such terms as to security for and payment of costs, and such other terms (if any) as such judge may think fit.

A.D. 1876.

14. A certificate granted by an inspector of the Local Government Board to the effect that the means used for rendering harmless any sewage matter or poisonous, noxious, or polluting liquid falling or flowing or carried into any stream, are the best or only practicable and available means under the circumstances of the particular case, shall in all courts and in all proceedings be conclusive evidence of the fact; such certificate shall continue in force for a period to be named therein, not exceeding five years, and at the expiration of that period may be renewed for the like or any less period.

Certificate of inspector of Local Government Board as to best practicable means.

All expenses incurred in or about obtaining a certificate under this section shall be paid by the applicant for the same.

15 Any person aggrieved by the grant or the withholding of a certificate under this section may appeal to the Local Government Board against the decision of the inspector; and the Board may either confirm, reverse, or modify his decision, and may make such order as to the party or parties by whom the costs of the appeal are to be borne as to the said Board may appear just.

15. Proceedings shall not be taken against any person for any offence against the provisions of this Act until the expiration of twelve months after the passing of this Act; nor shall proceedings in any case be taken for any offence against this Act until the expiration of two months after written notice of the intention to take such proceedings has been given to the offender, nor shall proceedings under this Act be taken for any offence against this Act while other proceedings in relation to such offence are pending.

Restriction on proceedings for offences.

(2.) *Saving Clauses.*

30 16. The powers given by this Act shall not be deemed to prejudice or affect any other powers conferred by Act of Parliament, law, or custom, and such other powers may be exercised in the same manner as if this Act had not passed; and nothing in this Act shall legalise any act or default which would but for this Act be deemed to be a nuisance or otherwise contrary to law.

Powers of Act cumulative.

17. Nothing in or done under this Act shall extend to interfere with, take away, abridge, or prejudicially affect any right, power, authority, jurisdiction, or privilege given by "The Thames Conservancy Acts, 1857 and 1864," or by "The Thames Navigation Act, 1866," or by the Lee Conservancy Act, 1868, or any Act or Acts extending or amending the said Acts or either of them, or affect any

Saving of certain Conservancy Acts.

A.D. 1876. — outfall or other works of the Metropolitan Board of Works (although beyond the Metropolis) executed under the Metropolis Management Act, 1855, and the Acts amending or extending the same, or take away, abridge, or prejudicially affect any right, power, authority, jurisdiction, or privilege of the Metropolitan Board of Works. 5

(3.) *Definitions.*

- Definitions : 18. In this Act, if not inconsistent with the context, the following terms have the meanings herein-after respectively assigned to them ; that is to say,
- “ Person : ” “ Person ” includes any body of persons, whether corporate or 10
unincorporate :
- “ Stream.” “ Stream ” includes the sea to such extent, and tidal waters to such point, as may be determined by the Local Government Board, by order published in the London Gazette. Save as aforesaid, it includes rivers, streams, canals, lakes, and 15
watercourses, other than watercourses at the passing of this Act largely used as sewers, and emptying directly into the sea or tidal waters which have not been determined to be streams within the meaning of this Act by such order as aforesaid : 20
- “ Polluting ” shall not include innocuous discoloration :
- “ Sanitary authority ” means—
In the metropolis as defined by the Metropolis Management Act, 1855, any local authority acting in the execution of the Nuisances Removal for England Act, 1855, and the Acts 25
amending the same ;
Elsewhere in England, any urban or rural sanitary authority acting in the execution of the Public Health Act, 1875.

PART V.

APPLICATION OF THE ACT TO SCOTLAND. 30

- Modifica-
tions of Act
in Scotland. 19. In the application of this Act to Scotland the following provisions shall have effect :
- (1.) The expression “ sanitary authority ” shall mean and include the local authority in any parish or burgh in Scotland, acting under the Public Health (Scotland) Act, 1867 : 35
 - (2.) The expression “ urban sanitary authority ” shall mean the local authority in any burgh in Scotland acting under the Public Health (Scotland) Act, 1867 :
 - (3.) The expression “ the Public Health Act, 1875,” shall mean the Public Health (Scotland) Act, 1867, and any Acts 40
amending the same :

A.D. 1876

- (4.) This Act shall be read and construed as if for the expression
“the Local Government Board,” wherever it occurs
therein, the expression “the Secretary of State” were
substituted ; and the expression “the Secretary of State”
shall mean one of Her Majesty’s Principal Secretaries of
State :
- (5.) The expression “the county court” shall mean the sheriff
of the county, and shall include sheriff substitute ; and the
expression “plaint entered in a county court” shall mean
petition or complaint presented in a sheriff court :
- (6.) The expression “the High Court of Justice” shall mean the
Court of Session in either division of the Inner House
thereof :
- (7.) All the jurisdiction, powers, and authorities necessary for
the purposes of this Act are hereby conferred on sheriffs
and their substitutes.

Pollution of Rivers.

A

B I L L

[AS AMENDED IN COMMITTEE AND ON
RE-COMMITMENT]

For making further Provision for the
Prevention of the Pollution of Rivers.

(Prepared and brought in by
Mr. Selater-Booth and Mr. Salt.)

*Ordered, by The House of Commons, to be Printed,
28 July 1876.*

[Bill 276.]

Under 2 oz.

LORDS AMENDMENTS
TO THE
POLLUTION OF RIVERS BILL.

*Note.—The page and line refer to the Bill (207.) as first printed
by the Lords.*

Page 1.

Leave out lines 25 and 26.

Page 2.

Line 17, after (“satisfied”) insert (“after local inquiry”)

Line 30, after (“person”) insert (“other than a sanitary
“ authority ”)

Page 3.

Line 8, after (“thereof”) insert (“and having its outfall at
“ the same spot ”)

Line 13, after (“and”) insert (“reasonably”), and leave out
 (“ at a reasonable cost ”)

Line 20, after (“water”) insert (“in the same condition as
“ that in ”), and after (“which”) insert (“it ”)

Line 25, after (“and”) insert (“reasonably”), and leave out
 (“ at a reasonable cost ”)

Line 28, after (“provides”) insert (“the following enactments
“ shall take effect ”)

Line 42, leave out the second (“and”) and insert (“the
“ said Board ”)

Page 4.

Line 8, leave out (“manufacture”) and insert (“industry”)

Line 23, leave out (“parties”) and insert (“sanitary autho-
“ rities ”)

Line 35, after (“affect”) insert (“such sewers or”)

Line 36, after (“sewers”) insert (“or which would from its
“ temperature or otherwise be injurious in a sanitary point
“ of view ”)

[Bill 297.]

Page 6.

- Line 1, after (" may ") insert (" if it think fit ")
 Line 4, leave out, (" and ") and insert (" who ")
 Line 5, leave out (" order ") and insert (" report ")
 Line 8, after (" pay ") insert (" to the person complaining, or
 " such other person as the court may direct ")
 Line 9, after (" order ") insert (" and such penalty shall be
 " enforced in the same manner as any debt adjudged to be
 " due by the court ")

Page 7.

- Line 7, after (" polluting ") insert (" solid or "), and after
 (" liquid ") insert (" matter ")
 Line 10, after (" proceedings ") insert (" under this Act ")
 Line 12, leave out (" three ") and insert (" two ")
 Line 22, after (" taken ") insert (" under this Act ")
 Line 23, after (" provisions ") insert (" of Parts Two and Three ")
 Line 25, after (" taken ") insert (" under this Act ")

After clause 13. insert clauses (A.) and (B.) :

CLAUSE (A.)
 Orders as to
 costs of in-
 quiries.

The Local Government Board may make orders as to the costs incurred by them in relation to inquiries instituted by them under this Act, and as to the parties by whom such costs shall be borne ; and every such order and every order for the payment of costs made by the said Board under section twelve of this Act may be made a rule of Her Majesty's High Court of Justice.

CLAUSE (B.)
 Power of
 inspectors
 of Local
 Government
 Board.

Inspectors of the Local Government Board shall, for the purposes of any inquiry directed by the Board under this Act, have in relation to witnesses and their examination, the production of papers and accounts, and the inspection of places and matters required to be inspected, similar powers to those which the inspectors of the said Board have under the Public Health Act, 1875, for the purposes of that Act.

- Line 32, leave out (" presently ") and insert (" now ")
 Line 38, leave out from (" that ") to the end of the clause and insert (" in any proceedings for enforcing against any person
 " such rights or powers the court before which such
 " proceedings are pending shall take into consideration any
 " certificate granted to such person under this Act ")

CLAUSE (C.)
 Saving of
 rights of im-
 poundng
 and divert-
 ing water.

After clause 14. insert clause (C.)

This Act shall not apply to or affect the lawful exercise of any rights of impounding or diverting water.

Page 8.

After clause 15. insert clause (D.) :

Where any local authority or any urban or rural sanitary authority has been empowered or required by any Act of Parliament to carry any sewage into the sea or any tidal waters, nothing done by such authority, in pursuance of such enactment, shall be deemed to be an offence against this Act.

CLAUSE (D.)
Saving of
works of
certain local
authorities.

Line 19, after (" inquiry ") insert (" and ")

Line 23, leave out (" largely ") and insert (" mainly ")

Page 9.

Leave out sub-section (7.)

After sub-section (8.) add the following sub-sections :

- (9.) The Court of Session may, on the application of the Lord Advocate, on behalf of the Secretary of State, interpose their authority to any order made by the Secretary of State as to the costs incurred by him in relation to inquiries instituted by him under this Act, and as to the parties by whom such costs shall be borne; and may grant decree conform thereto, upon which execution and diligence may proceed in common form ;
- (10.) An inspector appointed for the purposes of this Act by the Secretary of State shall, for the purposes of any inquiry directed by the Secretary of State under this Act, be entitled, by a summons signed by him, to require the attendance of all persons he may think fit to call before him in regard to the matters of the inquiry, and to administer oaths to, and examine upon oath, all such persons, and to require and enforce the production upon oath of all documents, accounts, or papers in anywise relating to such inquiry ; and shall also have, in relation to the inspection of places and matters required to be inspected, similar powers to those which sanitary inspectors have under the Public Health (Scotland) Act, 1867.

Page 10.

Line 2, after (" chairman ") insert (" of quarter sessions and
" judge ")

Lines 2 and 3, leave out (" and quarter sessions of the
" county ")

LORDS AMENDMENTS

TO THE

POLLUTION OF RIVERS BILL.

*Ordered, by The House of Commons, to be Printed,
12 August 1876.*

[Bill 297.]

Under 1 oz.

